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THE

LAW REPORTS.

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The Public General Statutes,

PASSED IN THE

FIFTY-SECOND AND FIFTY-THIRD YEARS

OF THE REIGN OF HER MAJESTY

QUEEN VICTORIA,

1889:

WITH

A LIST OF THE LOCAL AND PRIVATE ACTS,
TABLES SHOWING THE EFFECT OF THE SESSION'S LEGISLATION,
AND A COPIOUS INDEX.

VOL. XXVI.

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1889.

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A
TABLE
OF
The TITLES of the PUBLIC GENERAL ACTS passed in the FOURTH Session of the TWENTY-FOURTH Parliament of the United Kingdom of GREAT BRITAIN and IRELAND.

52 & 53 VICTORIA.—A.D. 1889.

1. AN Act to apply certain sums out of the Consolidated Fund to the service of the years ending on the thirty-first day of March one thousand eight hundred and eighty-eight, one thousand eight hundred and eighty-nine, and one thousand eight hundred and ninety. (*Consolidated Fund* (*No.* 1).) 1

2. An Act to apply the sum of three million seven hundred and twenty-nine thousand two hundred and three pounds out of the Consolidated Fund to the service of the year ending on the thirty-first day of March one thousand eight hundred and ninety. (*Consolidated Fund* (*No.* 2).) 2

3. An Act to provide, during twelve months, for the Discipline and Regulation of the Army. (*Army* (*Annual*).) 3

4. An Act to provide for the Redemption of the Consolidated Three Per Cent. Stock, and the Reduced Three Per Cent. Stock. (*National Debt Redemption.*) 6

5. An Act to amend the Removal of Wrecks Act, 1877. (*Removal of Wrecks Act*, 1877, *Amendment.*) 14

6. An Act to amend the Law relating to the National Debt. (*National Debt.*) 15

7. An Act to grant certain Duties of Customs and Inland Revenue, to alter other Duties, and to amend the Laws relating to Customs and Inland Revenue. (*Customs and Inland Revenue.*) 17

8. An Act to make further provision for Naval Defence and defray the Expenses thereof. (*Naval Defence.*) 27

9. An Act to amend the Public Libraries Act, 1855. (*Public Libraries Acts Amendment.*) 34

10. An Act for amending and consolidating enactments relating to the administration of Oaths. (*Commissioners for Oaths.*) 35

11. An Act to regulate the Sale of Horseflesh for Human Food. (*Sale of Horseflesh, &c. Regulation.*) 39

12. An Act to relieve the Courts of Assize from the Trial of Persons charged with Offences triable at Quarter Sessions. (*Assizes Relief.*) 41

13. An Act to amend the Purchase of Land (Ireland) Act, 1885, and the Acts amending the same. (*Purchase of Land (Ireland) Amendment.*) 43

14. An Act to amend the provisions relating to Hackney Carriages of the Town Police Clauses Act, 1847. (*Town Police Clauses.*) 44

15. An Act to apply the sum of twenty-six million four hundred and seventy-three thousand nine hundred and forty-four pounds out of the Consolidated Fund to the service of the year ending on the thirty-first day of March one thousand eight hundred and ninety. (*Consolidated Fund (No. 3).*) 47

16. An Act to explain the Secretary for Scotland Act, 1887. (*Secretary for Scotland.*) 47

17. An Act to abolish any duties on Coals leviable by the Corporation of London. (*London Coal Duties Abolition.*) 48

18. An Act to suppress Indecent Advertisements. (*Indecent Advertisements.*) 54

19. An Act to extend the time for the preparation of the Registers of County Electors in England and Wales. (*Registration of County Electors (Extension of Time).*) 56

20. An Act to amend the Agricultural Holdings (Scotland) Act, 1883. (*Agricultural Holdings (Scotland).*) 57

21. An Act for amending the Law relating to Weights and Measures, and for other purposes connected therewith. (*Weights and Measures.*) 58

22. An Act to amend the Friendly Societies Acts. (*Friendly Societies.*) 71

23. An Act to amend the Herring Fishery (Scotland) Acts; and for other purposes relating thereto. (*Herring Fishery (Scotland).*) 72

24. An Act to repeal certain Statutes, relating to Master and Servants in particular Manufactures, which have ceased to be put in force or have become unnecessary by the enactment of subsequent Statutes. (*Master and Servant.*) 75

25. An Act to provide a Site for a National Portrait Gallery and for other purposes connected therewith. (*National Portrait Gallery.*) 78

26. An Act to extend and amend the Law relating to the recovery of Small Debts in Scotland. (*Small Debt Amendment (Scotland).*) 79

27. An Act to amend the Law with respect to rating Places used for Advertisements. (*Advertising Stations (Rating).*) 83

28. An Act to declare the Boundaries of the Province of Ontario in the Dominion of Canada. (*Canada (Ontario Boundary).*) 85

29. An Act to amend the Passengers Act, 1855, and the Passengers Act Amendment Act, 1863. (*Passengers Acts Amendment.*) 86

30. An Act for establishing a Board of Agriculture for Great Britain. (*Board of Agriculture.*) 87

31. An Act to make provision for the Audit of the Manufacturing and Shipbuilding and other like Accounts of the Army and Navy. (*Army and Navy Audit.*) 96

32. An Act to amend the Law relating to the Investment of Trust Funds. (*Trust Investment.*) 97

33. An Act to provide for modifying the constitution of the Court of Appeal for the Windward Islands. (*Windward Islands Appeal Court.*) 101

34. An Act to amend the Telegraph Acts, 1863 to 1885, and the Post Office Acts in relation to the Isle of Man. (*Telegraph (Isle of Man).*) 101

35. An Act to make provision for the Support and Maintenance of the Children of His Royal Highness Albert Edward, Prince of Wales. (*Prince of Wales's Children.*) 103

36. An Act to amend the Settled Land Act, 1882. (*Settled Land.*) 105

37. An Act to amend the Companies Clauses Consolidation Act, 1888. (*Companies Clauses Consolidation.*) 105

38. An Act to remove doubts as to the validity of certain Marriages solemnised in Basutoland and in British Bechuanaland. (*Basutoland and British Bechuanaland Marriage.*) 106

39. An Act to amend and extend the Law relating to Judicial Factors and others in Scotland, and to unite the offices of the Accountant of the Court of Session and the Accountant in Bankruptcy in Scotland. (*Judicial Factors (Scotland).*) 106

40. An Act to promote Intermediate Education in Wales. (*Welsh Intermediate Education.*) 112

41. An Act to amend the Acts relating to Lunatics. (*Lunacy Acts Amendment.*) 118

42. An Act to amend the Law relating to the Customs and Inland Revenue, and for other purposes connected with the Public Revenue and Expenditure. (*Revenue.*) 165

43. An Act to amend the Law relating to the Measurement of the Tonnage of Merchant Ships. (*Merchant Shipping (Tonnage).*) 176

44. An Act for the Prevention of Cruelty to, and better Protection of, Children. (*Prevention of Cruelty to, and Protection of, Children.*) 178

45. An Act to amend and consolidate the Factors Acts. (*Factors.*) 186

46. An Act to amend the Merchant Shipping Act, 1854, and the Acts amending the same. (*Merchant Shipping.*) 190

47. An Act to amend the Practice and Proceedings of the Court of Chancery of the County Palatine of Durham. (*Palatine Court of Durham.*) 191

48. An Act to amend the County Court (Ireland) Acts. (*County Court Appeals (Ireland).*) 196

49. An Act for amending and consolidating the Enactments relating to Arbitration. (*Arbitration.*) 200

50. An Act to amend the Laws relating to Local Government in Scotland. (*Local Government (Scotland).*) 206

51. An Act to amend the General Police and Improvement (Scotland) Act, 1862. (*General Police and Improvement (Scotland) Act,* 1862, *Amendment.*) 268

52. An Act to prevent the Disclosure of Official Documents and Information. (*Official Secrets.*) 269

53. An Act to amend the Acts relating to the Office of Paymaster General, and to make better provision for the Discharge of the Duties of that Office. (*Paymaster General.*) 272

54. An Act to regulate the Number and Duties of the Clerks of the Court of Session and Bill Chamber in Scotland, and for other purposes. (*Clerks of Session (Scotland) Regulation.*) 273

55. An Act for the better Administration and Endowment of the Universities of Scotland. (*Universities (Scotland).*) 277

56. An Act to amend the Law respecting Children in Workhouses, and respecting the borrowing of Money by Guardians and Managers of District Schools, and respecting the Managers of the Metropolitan Asylum District. (*Poor Law.*) 297

57. An Act to amend the Regulation of Railways Acts; and for other purposes. (*Regulation of Railways.*) 301

58. An Act to amend the Coinage Act, 1870, as respects Light Gold Coins. (*Coinage.*) 303

59. An Act to amend "The Land Law (Ireland) Act, 1888," with regard to Leaseholders. (*Land Law (Ireland) Act,* 1888, *Amendment.*) 304

60. An Act to amend the Law with respect to Preferential Payments in Bankruptcy in the Administration of Insolvent Estates, and in the winding-up of Companies in Ireland. (*Preferential Payments in Bankruptcy (Ireland).*) 305

61. An Act to further amend the Acts relating to the raising of money by the London County Council, and for other purposes. (*London Council (Money).*) 308

62. An Act to make further provision for the regulation of Cotton Cloth Factories. (*Cotton Cloth Factories.*) 323

63. An Act for consolidating enactments relating to the construction of Acts of Parliament and for further shortening the Language used in Acts of Parliament. (*Interpretation.*) 329

64. An Act to remove doubts as to the power of the Local Government Board to make regulations respecting Cholera. (*Public Health.*) 341

65. An Act to amend the Law as to the Council of India. (*Council of India Reduction.*) 342

66. An Act to facilitate the construction of Light Railways in Ireland. (*Light Railways (Ireland).*) 343

67. An Act to continue various Expiring Laws. (*Expiring Laws Continuance.*) 346

68. An Act to amend the Law relating to Pilotage. (*Merchant Shipping* (*Pilotage*).) 351

69. An Act for the more effectual Prevention and Punishment of Bribery and Corruption of and by Members, Officers, or Servants of Corporations, Councils, Boards, Commissions, or other Public Bodies. (*Public Bodies Corrupt Practices.*) 356

70. An Act to apply a sum out of the Consolidated Fund to the service of the year ending on the thirty-first day of March one thousand eight hundred and ninety, and to appropriate the Supplies granted in this Session of Parliament. (*Appropriation.*) 358

71. An Act to grant Money for the purpose of certain Local Loans, and for other purposes relating to Local Loans. (*Public Works Loans.*) 372

72. An Act to provide for the Notification of Infectious Disease to Local Authorities. (*Infectious Disease* (*Notification*).) 376

73. An Act to amend the Law relating to the use of Flags in the British Merchant Service. (*Merchant Shipping* (*Colours*).) 382

74. An Act to enable the Inspectors of Irish Fisheries to prohibit Steam Trawling within a certain distance of the Coast of Ireland. (*Steam Trawling* (*Ireland*).) 383

75. An Act to amend the Law in regard to Annual Parliamentary Grants in the Counties of Caithness and Sutherland. (*Parliamentary Grant* (*Caithness and Sutherland*).) 384

76. An Act to facilitate the Provision of Technical Instruction. (*Technical Instruction.*) 384

A
TABLE
OF
The TITLES of the PUBLIC ACTS of a Local Character passed during the Session which are placed amongst the LOCAL ACTS.

52 & 53 VICTORIA.—A.D. 1889.

---

i. An Act to confirm a Provisional Order under the Drainage and Improvement of Lands (Ireland) Act, 1863, and the Acts amending the same relating to the Tramore River Drainage District, county Cork. (*Drainage and Improvement of Lands Supplemental (Ireland).*)

vi. An Act to confirm certain Provisional Orders of the Local Government Board for Ireland relating to Kilrush and Cappoquin. (*Local Government Board (Ireland) Provisional Orders Confirmation (Kilrush and Cappoquin).*)

xv. An Act to confirm certain Provisional Orders of the Local Government Board relating to the City of Oxford, and to the Counties of Oxford and Berks. (*Local Government Board's Provisional Orders Confirmation.*)

xvi. An Act to confirm certain Provisional Orders made by the Education Department under the Elementary Education Act, 1870, to enable the School Boards for Acton, Chiswick, and Liverpool to put in force the Lands Clauses Consolidation Act, 1845, and the Acts amending the same. (*Education Department Provisional Orders Confirmation (Acton, &c.).*)

xxii. An Act to confirm a Provisional Order of the Local Government Board relating to the Borough of Wenlock. (*Local Government Board's Provisional Order Confirmation (No. 4).*)

xxiii. An Act to exclude unauthorised Persons from certain Lands to be used for the purposes of the Royal Gunpowder Factory at Waltham Abbey, in the parish of Waltham Holy Cross, in the county of Essex, to regulate the use of a certain Footpath thereon, and for other purposes. (*Waltham Abbey Gunpowder Factory.*)

xxiv. An Act to confirm certain Provisional Orders of the Local Government Board relating to the Boroughs of Accrington and Sunderland, the Local Government Districts of Altrincham, Brentford, Haworth, Heston and Isleworth, Swindon New Town, and Walton on the Hill, and the Rural Sanitary Districts of the Belper, Chorley, and King's Norton Unions. (*Local Government Board's Provisional Orders Confirmation* (*No.* 5).)

xliii. An Act to confirm certain Provisional Orders made by the Board of Trade under the General Pier and Harbour Act, 1861, relating to Boscombe, Clacton-on-Sea, Keppel, Port Ness, Woodda, and Wexford. (*Pier and Harbour Orders Confirmation* (*No.* 1).)

xliv. An Act to confirm a Provisional Order for the Regulation of certain lands forming part of Amberswood Common, situate in the township of Ince-in-Makerfield, in the parish of Wigan, in the county of Lancaster, in pursuance of a report from the Land Commissioners for England. (*Commons Regulation* (*Amberswood*) *Provisional Order Confirmation.*)

xlv. An Act to confirm a Provisional Order made by one of Her Majesty's Principal Secretaries of State under the Metropolitan Police Act, 1886, relating to lands in the Parishes of St. Giles, Camberwell, St. Marylebone, and St. John, Wapping. (*Metropolitan Police Provisional Order Confirmation.*)

xlvi. An Act to confirm certain Provisional Orders of the Local Government Board relating to the Boroughs of Calne and Chippenham. (*Local Government Board's Provisional Orders Confirmation* (*No.* 6).)

xlvii. An Act to confirm a Provisional Order under the Land Drainage Act, 1861, relating to Goole Fields Improvements, situate in the township of Goole, in the parish of Snaith, in the county of York. (*Land Drainage Supplemental.*)

xlviii. An Act to confirm certain Provisional Orders made by the Board of Trade under the General Pier and Harbour Act, 1861, relating to Cork, Devonport, Dover, Milford-on-Sea, and Worthing. (*Pier and Harbour Orders Confirmation* (*No.* 2).)

xlix. An Act to confirm a Provisional Order of the Local Government Board for Ireland relating to Youghal. (*Local Government Board* (*Ireland*) *Provisional Order Confirmation* (*Youghal*).)

lvi. An Act to confirm certain Provisional Orders made by the Board of Trade under the General Pier and Harbour Act, 1861, relating to Auchmithie, Balintore, Littlestone, Mostyn, and Sharpness. (*Pier and Harbour Orders Confirmation* (*No.* 3).)

lxi. An Act to confirm certain Provisional Orders of the Local Government Board relating to the Borough of King's Lynn, the Borough of Sheffield and the Local Government District of Handsworth, the Local Government Districts of Ealing and

Romford, and the Improvement Act Districts of Lytham and Mansfield. (*Local Government Board's Provisional Orders Confirmation* (*No.* 8).)

lxii. An Act to confirm certain Provisional Orders of the Local Government Board relating to the Boroughs of Bradford (Yorks), Leeds, and Plymouth, and the Local Government District of Bromley. (*Local Government Board's Provisional Orders Confirmation* (*No.* 10).)

lxiii. An Act to confirm a Provisional Order made by the Education Department under the Elementary Education Act, 1870, to enable the School Board for Leake to put in force the Lands Clauses Consolidation Act, 1845, and the Acts amending the same. (*Education Department Provisional Order Confirmation* (*Leake*).)

lxiv. An Act to confirm certain Provisional Orders made by the Board of Trade under the Gas and Water Works Facilities Act, 1870, relating to Buckley Gas, Market Rasen Gas, Melton Mowbray Gas, Romford Gas, and Warminster Gas. (*Gas Orders Confirmation.*)

lxv. An Act to confirm certain Provisional Orders made by the Board of Trade under the Gas and Water Works Facilities Act, 1870, relating to Brightlingsea Water, Corsham Water, Faversham Water, Harpenden Water, and Llandrindod Wells Water. (*Water Orders Confirmation.*)

cvii. An Act to confirm certain Provisional Orders of the Local Government Board relating to the Boroughs of Aberavon and Kingston-upon-Hull, the Local Government Districts of Bingley and Cuckfield, and the Faversham Joint Hospital District. (*Local Government Board's Provisional Orders Confirmation* (*No.* 7).)

cviii. An Act to confirm a Provisional Order under the Public Health (Scotland) Act, 1867, relating to Leven Water. (*Leven Water Supply Confirmation.*)

cix. An Act to confirm a Provisional Order under the Public Health (Scotland) Act, 1867, and Acts amending the same, relating to Motherwell Water. (*Motherwell Water Supply Confirmation.*)

cx. An Act to confirm certain Provisional Orders made by the Board of Trade under the Tramways Act, 1870, relating to Lancaster and District Tramways, Lincolnshire Tramways, and Stockport and Hazel Grove Tramways. (*Tramways Orders Confirmation* (*No.* 1).)

cxi. An Act to confirm certain Provisional Orders made by the Board of Trade under the Tramways Act, 1870, relating to Gosport, Alverstoke, and Bury Cross Tramways, Newport and Parkhurst Tramways, and Oldham, Ashton-under-Lyne, and Hyde District Tramways. (*Tramways Orders Confirmation* (*No.* 2).)

cxii. An Act to confirm certain Provisional Orders of the Local Government Board relating to the Boroughs of Blandford

Forum, Lyme Regis, Lymington, and Morpeth. (*Local Government Board's Provisional Orders Confirmation* (*No.* 9).)

cxiii. An Act to confirm certain Provisional Orders of the Local Government Board relating to the Boroughs of Halifax, Nottingham, and Southampton, the Improvement Act District of Newton-in-Mackerfield, and the Local Government District of Ince-in-Makerfield. (*Local Government Board's Provisional Orders Confirmation* (*No.* 11).)

cxiv. An Act to confirm certain Provisional Orders of the Local Government Board relating to the Boroughs of Bangor, Buckingham, Carnarvon, and Ramsgate, the Port of Harwich, and the Rural Sanitary District of the Houghton-le-Spring Union. (*Local Government Board's Provisional Orders Confirmation* (*No.* 12).)

cxv. An Act to confirm certain Provisional Orders of the Local Government Board relating to the Boroughs of Blackburn, Dover, and West Ham, and the Local Government Districts of Denton and Haughton, Dukinfield, and Tipton. (*Local Government Board's Provisional Orders Confirmation* (*No.* 13).)

cxvi. An Act to confirm certain Provisional Orders of the Local Government Board relating to the Boroughs of Banbury and Cambridge. (*Local Government Board's Provisional Orders Confirmation* (*No.* 15).)

cxvii. An Act to confirm certain Provisional Orders of the Local Government Board relating to the City of Manchester and the Boroughs of Middleton and Stafford. (*Local Government Board's Provisional Orders Confirmation* (*No.* 16).)

cxviii. An Act to confirm a Provisional Order of the Local Government Board under the Provisions of the Poor Law Amendment Act, 1867, as amended by the Poor Law Amendment Act, 1868, and extended by the Poor Law Act, 1879, relating to the Parish of Saint James, Westminster. (*Local Government Board's Provisional Order Confirmation* (*Poor Law*).)

cxix. An Act to confirm certain Provisional Orders made by the Board of Trade under the Gas and Water Works Facilities Act, 1870, relating to St. Ives (Hunts) Gas, Otley Gas, Pocklington Water, and Marlow Water. (*Gas and Water Orders Confirmation.*)

cxx. An Act for the removal of the disqualification of certain Burgesses of the City of Winchester. (*Winchester Burgesses Disqualification Removal.*)

clxviii. An Act to confirm a Provisional Order of the Local Government Board for Ireland relating to Tipperary Waterworks. (*Local Government Board* (*Ireland*) *Provisional Order Confirmation* (*Tipperary Waterworks*).)

clxix. An Act to confirm a Provisional Order of the Local Government Board for Ireland relating to Killiney and Ballybrack. (*Local Government Board (Ireland) Provisional Order Confirmation (Killiney and Ballybrack).*)

clxx. An Act to confirm a Provisional Order of the Local Government Board for Ireland relating to Castleisland Waterworks. (*Local Government Board (Ireland) Provisional Order Confirmation (Castleisland Waterworks).*)

clxxi. An Act to confirm certain Provisional Orders of the Local Government Board relating to the Local Government Districts of Barnard Castle and Malton, and to the Counties of York and Durham. (*Local Government Board's Provisional Orders Confirmation (No. 3).*)

clxxii. An Act to confirm certain Provisional Orders of the Local Government Board relating to the Boroughs of Faversham, Dunneheved, otherwise Launceston, and Saint Ives (Hunts). (*Local Government Board's Provisional Orders Confirmation (No. 14).*)

clxxiii. An Act to confirm a Provisional Order made by the Education Department under the Elementary Education Act, 1870, to enable the School Board for London to put in force the Lands Clauses Consolidation Act, 1845, and the Acts amending the same. (*Education Department Provisional Order Confirmation (London).*)

clxxiv. An Act to confirm certain Provisional Orders made by the Board of Trade under the Electric Lighting Acts, 1882 and 1888, relating to Birmingham, Liverpool, and Swansea. (*Electric Lighting Orders Confirmation.*)

clxxv. An Act to confirm a Provisional Order under the Public Health (Scotland) Act, 1867, and Acts amending the same, relating to Linlithgow Water. (*Linlithgow Water Supply Confirmation.*)

clxxvi. An Act to confirm a Provisional Order of the Local Government Board for Ireland relating to Listowel Waterworks. (*Local Government Board (Ireland) Provisional Order Confirmation (Listowel Waterworks).*)

clxxvii. An Act to confirm a Provisional Order of the Local Government Board relating to the Isle of Wight. (*Local Government Board's Provisional Order Confirmation (No. 2).*)

clxxviii. An Act to confirm certain Provisional Orders made by the Board of Trade under the Electric Lighting Acts, 1882 and 1888, relating to Chelsea, &c., and St. George's, Hanover Square, &c. (*Electric Lighting Orders Confirmation (No. 2).*)

clxxix. An Act to confirm certain Provisional Orders made by the Board of Trade under the Electric Lighting Acts, 1882 and 1888, relating to various portions of the Parish of Kensington St. Mary Abbot and a portion of the Parish of St. Margaret, Westminster. (*Electric Lighting Orders Confirmation (No. 3).*)

clxxx. An Act to confirm a Provisional Order made by the Board of Trade under the Electric Lighting Acts, 1882 and 1888, relating to St. Martin-in-the-Fields. (*Electric Lighting Order Confirmation* (*No.* 4).)

clxxxi. An Act to confirm certain Provisional Orders made by the Board of Trade under the Electric Lighting Acts, 1882 and 1888, relating to Saint Giles, &c., and Marylebone. (*Electric Lighting Orders Confirmation* (*No.* 5).)

ccix. An Act to authorise the transfer of the Site of the Coldbath Fields Prison, in the County of Middlesex, to Her Majesty's Postmaster General, and for other purposes. (*Post Office* (*Sites*).)

THE

PUBLIC GENERAL STATUTES.

52 VICTORIA.

CHAPTER 1.

An Act to apply certain sums out of the Consolidated Fund to the service of the years ending on the thirty-first day of March one thousand eight hundred and eighty-eight, one thousand eight hundred and eighty-nine, and one thousand eight hundred and ninety.

[29th March 1889.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal subjects, the Commons of the United Kingdom of Great Britain and Ireland, in Parliament assembled, towards making good the supply which we have cheerfully granted to Your Majesty in this session of Parliament, have resolved to grant unto Your Majesty the sums herein-after mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Issue of 221,150*l.* 14*s.* 2*d.* out of the Consolidated Fund for the service of the years ending 31st March 1888 and 1889.

1. The Commissioners of Her Majesty's Treasury for the time being may issue out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, and apply towards making good the supply granted to Her Majesty for the service of the years ending on the thirty-first day of March one thousand eight hundred and eighty-eight and one thousand eight hundred and eighty-nine, the sum of two hundred and twenty-one thousand one hundred and fifty pounds fourteen shillings and twopence.

Issue of 9,267,300*l.* out of the Consolidated Fund for the service of the year ending 31st March 1890.

2. The Commissioners of Her Majesty's Treasury for the time being may issue out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, and apply towards making good the supply granted to Her Majesty for the service of the year ending on the thirty-first day of March one thousand eight hundred and ninety, the sum of nine million two hundred and sixty-seven thousand three hundred pounds.

Power to the Treasury to borrow.

3. The Commissioners of the Treasury may borrow from time to time, on the credit of the said sums, any sum or sums not exceeding in the whole the sum of nine million four hundred and eighty-eight thousand four hundred and fifty pounds fourteen shillings and twopence, and shall repay the moneys so borrowed, with interest not exceeding five pounds per centum per annum, out of the growing produce of the Consolidated Fund at any period not later than the next succeeding quarter to that in which the said moneys were borrowed.

Any sums so borrowed shall be placed to the credit of the account of Her Majesty's Exchequer, and shall form part of the said Consolidated Fund, and be available in any manner in which such fund is available.

Short title.

4. This Act may be cited as the Consolidated Fund (No. 1) Act, 1889.

CHAPTER 2.

An Act to apply the sum of three million seven hundred and twenty-nine thousand two hundred and three pounds out of the Consolidated Fund to the service of the year ending on the thirty-first day of March one thousand eight hundred and ninety. [1st April 1889.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal subjects, the Commons of the United Kingdom of Great Britain and Ireland, in Parliament assembled, towards making good the supply which we have cheerfully granted to Your Majesty in this session of Parliament, have resolved to grant unto Your Majesty the sum herein-after mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Issue of 3,729,203*l.* out of the Consolidated Fund for the service of the year ending 31st March 1890.

1. The Commissioners of Her Majesty's Treasury for the time being may issue out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, and apply towards making good the supply granted to Her Majesty for the service of the year ending on the thirty-first day of March one thousand eight hundred and ninety the sum of three million seven hundred and twenty-nine thousand two hundred and three pounds.

Power to the Treasury to borrow.

2. The Commissioners of the Treasury may borrow from time to time on the credit of the said sum any sum or sums not exceeding in the whole the sum of three million seven hundred and twenty-nine thousand two hundred and three pounds, and shall repay the moneys so borrowed with interest not exceeding five pounds per centum per annum out of the growing produce of the Consolidated Fund at any period not later than the next succeeding quarter to that in which the said moneys were borrowed.

Any sums so borrowed shall be placed to the credit of the account of Her Majesty's Exchequer, and shall form part of the said Consolidated Fund, and be available in any manner in which such fund is available.

3. This Act may be cited as the Consolidated Fund (No. 2) Act, 1889. **Short title.**

CHAPTER 3.

An Act to provide, during twelve months, for the Discipline and Regulation of the Army. [11th April 1889.]

WHEREAS the raising or keeping of a standing army within the United Kingdom of Great Britain and Ireland in time of peace, unless it be with the consent of Parliament, is against law:

And whereas it is adjudged necessary by Her Majesty and this present Parliament, that a body of forces should be continued for the safety of the United Kingdom and the defence of the possessions of Her Majesty's Crown, and that the whole number of such forces should consist of one hundred and fifty-two thousand two hundred and eighty-two men, including those to be employed at the depôts in the United Kingdom of Great Britain and Ireland for the training of recruits for service at home and abroad, but exclusive of the numbers actually serving within Her Majesty's Indian possessions:

And whereas it is also judged necessary for the safety of the United Kingdom, and the defence of the possessions of this realm, that a body of Royal Marine forces should be employed in Her Majesty's fleet and naval service, under the direction of the Lord High Admiral of the United Kingdom, or the Commissioners for executing the office of Lord High Admiral aforesaid:

And whereas the said marine forces may frequently be quartered or be on shore, or sent to do duty or be on board transport ships or vessels, merchant ships or vessels, or other ships or vessels, or they may be under other circumstances in which they will not be subject to the laws relating to the government of Her Majesty's forces by sea:

And whereas no man can be forejudged of life or limb, or subjected in time of peace to any kind of punishment within this realm by martial law, or in any other manner than by the judgment of his peers and according to the known and established laws of this realm; yet nevertheless it being requisite, for the retaining all the before-mentioned forces, and other persons subject to military law, in their duty, that an exact discipline be observed, and that persons belonging to the said forces who mutiny or stir up sedition, or desert Her Majesty's service, or are guilty of crimes and offences to the prejudice of good order and military discipline, be brought to a more exemplary and speedy punishment than the usual forms of the law will allow:

And whereas the Army Act, 1881, will expire in the year one thousand eight hundred and eighty-nine on the following days: **44 & 45 Vict. c. 58.**

(*a.*) In the United Kingdom, the Channel Islands, and the Isle of Man, on the thirtieth day of April; and (*b.*) Elsewhere in Europe, inclusive of Malta, also in the West Indies and America, on the thirty-first day of July; and

(*c.*) Elsewhere, whether within or without Her Majesty's dominions, on the thirty-first day of December:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited as the Army (Annual) Act, 1889.

Army Act (44 & 45 Vict. c. 58.) to be in force for specified times.

2.—(1.) The Army Act, 1881, shall be and remain in force during the periods herein-after mentioned, and no longer, unless otherwise provided by Parliament; that is to say,

(*a.*) Within the United Kingdom, the Channel Islands, and the Isle of Man, from the thirtieth day of April one thousand eight hundred and eighty-nine to the thirtieth day of April one thousand eight hundred and ninety, both inclusive; and

(*b.*) Elsewhere in Europe, inclusive of Malta, also in the West Indies and America, from the thirty-first day of July one thousand eight hundred and eighty-nine to the thirty-first day of July one thousand eight hundred and ninety, both inclusive; and

(*c.*) Elsewhere, whether within or without Her Majesty's dominions, from the thirty-first day of December one thousand eight hundred and eighty-nine to the thirty-first day of December one thousand eight hundred and ninety, both inclusive;

and the day from which the Army Act, 1881, is continued in any place by this Act is in relation to that place referred to in this Act as the commencement of this Act.

(2.) The Army Act, 1881, while in force shall apply to persons subject to military law, whether within or without Her Majesty's dominions.

44 & 45 Vict. c. 58.

(3.) A person subject to military law shall not be exempted from the provisions of the Army Act, 1881, by reason only that the number of the forces for the time being in the service of Her Majesty, exclusive of the marine forces, is either greater or less than the number herein-before mentioned.

Prices in respect of billeting.

3. There shall be paid to the keeper of a victualling house for the accommodation provided by him in pursuance of the Army Act, 1881, the prices specified in the schedule to this Act.

Amendments of Army Act, 1881.

Amendment of 44 & 45 Vict. c. 58. s. 135, as to classification of prisoners.

4. Whereas by section one hundred and thirty-five of the Army Act, 1881, provision is made for a difference between the treatment of prisoners convicted of breaches of discipline and the treatment of prisoners convicted of offences of an immoral, dishonest, shameful, or criminal character, and it is expedient to make provision for treating persons sentenced to be discharged from the service with ignominy in the same manner as the latter class of those prisoners: Be it therefore enacted, that in the said section after the words "criminal character" shall be added the words "or sentenced to be "discharged from the service with ignominy."

5. Whereas doubts have arisen as to the effect of certain provisions of section ninety-one of the Army Act, 1881, and it is expedient to remove those doubts; be it therefore enacted as follows:

" " s. 91, as to lunatics.

(1.) In sub-section three of the said section for the words "and "shall be subject accordingly to the provisions of that section" shall be substituted the words "and the like proceedings shall "be taken thereon as on an order under that section."

(2.) In sub-section four of the same section for the words "section eighty-five of the Act of the session of the twentieth "and twenty-first years of the reign of Her present Majesty, "chapter seventy-one, intituled, 'An Act for the regulation "'of the care and treatment of lunatics, and for the pro-"'vision, maintenance, and regulation of lunatic asylums in "'Scotland,' and shall be subject accordingly to the pro-"visions of that section," shall be substituted the words "section fifteen of the Act of the session of the twenty-fifth "and twenty-sixth years of the reign of Her present Majesty, "chapter fifty-four, intituled 'An Act to make further "'provision respecting lunacy in Scotland,' and the like pro-"ceedings shall be taken thereon as on an order under that "section."

(3.) In sub-section five of the said section for the word "soldier" shall be substituted the word "lunatic."

6. Whereas by section one hundred and forty-six of the Army Act, 1881, it is enacted as follows:

" " s. 146, as to exemption from service as sheriff, &c.

"A person who is commissioned and in full pay as an officer in Her Majesty's regular forces, shall not be capable of being nominated or elected to be sheriff of any county, borough, or other place, or to be mayor or alderman of, or to hold any office in, any municipal corporation in any city, borough, or place in the United Kingdom;"

And it is expedient that this section should apply to all commissioned officers in Her Majesty's regular forces whilst on the active list, although not on full pay: Be it therefore enacted, that in that section for the words "A person who is commissioned and "in full pay as an officer in Her Majesty's regular forces," shall be substituted the words "An officer of the regular forces on the "active list within the meaning of any Royal Warrant for regu-"lating the pay and promotion of the regular forces."

7. After section one hundred and seventy-four of the Army Act, 1881, the following section shall be inserted and numbered 174A:—

Recreation rooms.

Notwithstanding anything in the Act of the twenty-fifth year of the reign of His Majesty King George the Second, chapter thirty-six, intituled "An Act for the better preventing theft "and robberies and for regulating places of public entertain-"ment and punishing persons keeping disorderly houses," or in the Act of the session held in the sixth and seventh years of Her Majesty, chapter sixty-eight, intituled "An Act for regulating theatres," where a recreation room is managed or conducted under the authority of a Secretary of State or the Admiralty, it may be used for public dancing, music, or other public entertainment of the like kind or for the public performance of stage plays, without any licence in pursuance of those Acts, or either of them.

SCHEDULE.

Accommodation to be provided.	Maximum Price.
Lodging and attendance for soldier where hot meal furnished.	Twopence halfpenny per night.
Hot meal as specified in Part I. of the Second Schedule to the Army Act, 1881.	One shilling and one penny halfpenny each.
Where no hot meal furnished, lodging and attendance, and candles, vinegar, salt, and the use of fire, and the necessary utensils for dressing and eating his meat.	Fourpence per day.
Ten pounds of oats, twelve pounds of hay, and eight pounds of straw per day for each horse.	One shilling and ninepence per day.
Lodging and attendance for officer - -	Two shillings per night.

Note.—An officer shall pay for his food.

CHAPTER 4.

An Act to provide for the Redemption of the Consolidated Three Per Cent. Stock, and the Reduced Three Per Cent. Stock. [11th April 1889.]

WHEREAS on the fifth day of July, one thousand eight hundred and eighty-eight, the House of Commons adopted the following resolution:—

"*Resolved,* that the Consolidated Three Pounds per Centum Annuities and the Reduced Three Pounds Per Centum Annuities shall be redeemable at any time after the expiration of one year from the date at which a copy of this resolution, having been inserted in the London Gazette, is affixed on the Royal Exchange in London, by payments of not less than five hundred thousand pounds at any one time, in manner directed by any Act to be passed":

And whereas the said resolution was signified by the Speaker in writing, was inserted in the London Gazette of the sixth day of July one thousand eight hundred and eighty-eight, and was affixed on the Royal Exchange in London on the same day:

And whereas it is expedient to provide for repayment by Parliament according to the said resolution of so much of the Consolidated Three Pounds Per Centum Annuities and Reduced Three Pounds Per Centum Annuities (herein-after referred to respectively as Consolidated Three Per Cent. Stock and Reduced Three Per Cent. Stock) as remains outstanding:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Redemption.

Redemption of Consolidated Three Per Cent. Stock and Reduced Three Per Cent. Stock.

1.—(1.) Every person who is on the sixth day of July one thousand eight hundred and eighty-nine a holder of Consolidated Three Per Cent. Stock or Reduced Three Per Cent. Stock shall on that day be paid off by the payment of a principal sum at the rate of one hundred pounds sterling for every one hundred pounds of the capital sums in respect of which the annuities constituting his stock are payable, together with all arrears of those annuities at the rate of three pounds per cent. per annum, including the proportionate part accrued since the last date for the payment of dividends, and thereupon the said annuities shall cease and be understood to be redeemed.

(2.) The payment may be made either by warrant in manner provided by this Act, or at the Bank, or by crediting the stockholder in the books of the Bank with the amount of cash due to him.

Power to pay off in advance.

2. It shall be lawful for the Treasury to pay off any holders of Consolidated Three Per Cent. Stock or Reduced Three Per Cent. Stock in advance at any time or times before the sixth day of July one thousand eight hundred and eighty-nine, with such consideration for the proportionate part of dividend accrued up to the date of payment as may be agreed on between the Treasury and the stockholder, and it shall be lawful for any trustee or other fiduciary holder of stock, by assent signified in the prescribed manner, to accept any offer of such payment, and on such payment the annuities constituting the stock shall cease and be understood to be redeemed. Any such consideration shall be charged on and payable out of the Consolidated Fund in like manner as the dividend in respect of which it is payable, and may be treated by trustees and others as income.

Provisions as to exchange of stock.

3.—(1.) The Treasury may authorise the Commissioners for the Reduction of the National Debt to take, at any time or times before the said sixth day of July, in exchange for any Two and Three-quarters Per Cent. Consolidated Stock or Local Loans Stock held by those Commissioners, Consolidated Three Per Cent. Stock or Reduced Three Per Cent. Stock on such terms as those Commissioners may approve, and any trustee or other fiduciary holder of Consolidated Three Per Cent. Stock or Reduced Three Per Cent. Stock may, by assent signified in the prescribed manner, accept any offer of exchange made in pursuance of such authority, and may effect the exchange accordingly, and any such exchange shall not be considered a change or variation of investment by the holder.

(2.) The Treasury may also at any time or times on or before the said sixth day of July offer to the Commissioners for the Reduction of the National Debt Two and Three-quarters Per Cent. Consolidated Stock in exchange for any Consolidated Three Per Cent.

Stock or Reduced Three Per Cent. Stock held by those Commissioners on such terms as may be agreed on, and the Commissioners may accept any such offer, and on such exchange being effected the annuities constituting the Three Per Cent. Stock so exchanged shall cease and be understood to be redeemed.

Ways and Means.

Power to issue money out of Consolidated Fund.

4. The Treasury may at any time after the passing of this Act, and from time to time, issue out of the Consolidated Fund, or the growing produce thereof, such sums as may be required for the purpose of paying any principal sums payable to holders of Consolidated Three Per Cent. Stock or Reduced Three Per Cent. Stock in pursuance of this Act.

Power to create Two and Three-quarters Per Cent. Stock.

5.—(1.) The Treasury may at any time after the passing of this Act, and from time to time, create for the purposes of this Act Two and Three-quarters Per Cent. Consolidated Stock to an amount not exceeding the aggregate nominal amount of Consolidated Three Per Cent. Stock and Reduced Three Per Cent. Stock outstanding at the passing of this Act less the nominal amount of such stock redeemed by the operation of any sinking fund between the passing of this Act and the sixth day of July next.

(2.) The annuities constituting the Two and Three-quarters Per Cent. Consolidated Stock created in pursuance of this Act shall be created by warrant of the Treasury to the Bank directing the Bank to inscribe in their books the amount of those annuities in the names of the persons entitled thereto.

(3.) The annuities so created shall be charged on the Consolidated Fund of the United Kingdom and paid out of the permanent annual charge for the National Debt, and shall, in manner directed by the warrant, be consolidated in the books of the Bank with the annuities constituting the Two and Three-quarters Per Cent. Consolidated Stock created under the National Debt (Conversion) Act, 1888, and shall be transferable in those books in like manner as the annuities with which they are consolidated, and shall be subject to the enactments relating to those annuities so far as is consistent with the tenour of those enactments.

51 & 52 Vict. c. 2.

Power to raise money otherwise than by creation of stock.

6.—(1.) The Treasury may at any time after the passing of this Act, and from time to time, raise any sums required for the purpose of paying any principal sums payable to holders of Consolidated Three Per Cent. Stock or Reduced Three Per Cent. Stock in pursuance of this Act, or of repaying any money issued for that purpose out of the Consolidated Fund, or of repaying any money borrowed or paying off any security issued under this section, and may raise the same either by the sale of Two and Three-quarters Per Cent. Consolidated Stock created under this Act, or by the issue of Exchequer bonds or Exchequer bills or Treasury bills, or by otherwise borrowing (for a period not exceeding twelve months) from such persons as may be willing to lend on the credit of the charge created by this Act on the Consolidated Fund, or by all or any such means, and the sums so raised shall be paid into the Exchequer.

(2.) The principal of the securities created or issued and of money borrowed under this section, and all interest from time to time due thereon, shall be charged on and be payable out of the Consolidated Fund, or the growing produce thereof, and the interest shall be payable as part of the permanent annual charge for the National Debt.

Power to borrow money for incidental expenses.

7.—(1.) All sums paid for defraying expenses incurred in pursuance of this Act, or for providing any dividend which by reason of any exchange effected under this Act becomes payable in the then current financial year instead of the next financial year, shall be charged on and be payable out of the Consolidated Fund or the growing produce thereof, but shall not be payable as part of the permanent annual charge for the National Debt.

(2.) The Treasury may from time to time, as they think fit, for the purpose of repaying to the Consolidated Fund any portion of the money issued thereout for the purposes of this section, raise any sums in any of the modes by which they are by this Act authorised to raise money otherwise than by the creation of stock.

Supplemental.

Power for Bank to close transfer books. [See 33 & 34 Vict. c. 71. s. 25.]

8. The Bank may close their books for the transfer of Consolidated Three Per Cent. Stock or Reduced Three Per Cent. Stock or both at any time on or at any time after the first day of June one thousand eight hundred and eighty-nine, and every person who on the day of such closing is inscribed as holder of such stock shall for the purposes of this Act be deemed to be the holder of that stock on the sixth day of July one thousand eight hundred and eighty-nine, unless he has previously exchanged his stock in pursuance of this Act.

Application of scheduled provisions of 51 & 52 Vict. c. 2.

9. The provisions of the National Debt (Conversion) Act, 1888, set forth in the schedule to this Act shall apply in the case of any exchange of stock effected in pursuance of this Act, subject to the following modifications; namely,—

(*a.*) References in those provisions to new stock shall be construed as including, where the case so requires, Local Loans Stock, as well as Two and Three-quarters Per Cent. Consolidated Stock;

(*b.*) References in those provisions to the said Act shall be construed as references to this Act.

Provision as to stock in court.

10.—(1.) In the case of any Consolidated Three Per Cent. Stock, or Reduced Three Per Cent. Stock, standing in the name or in the books of Her Majesty's Paymaster General, on behalf of the Supreme Court of Judicature in England, the Lord Chancellor may, with the approval of the Treasury, make regulations as to the mode in which effect may be given, with the consent of the person to whom the dividends on the stock are for the time being payable to any offer of payment or exchange made in pursuance of this Act, and for remitting any fees payable in respect of proceedings with reference to any such payment or exchange.

Provided that where the dividends on the stock are being accumulated, the consent required under this section shall be the consent of a judge of the High Court.

(2.) Any trustee or other person acting in a fiduciary character is hereby authorised to give any consent required in pursuance of this section.

(3.) The provisions of this section shall extend to any funds in court to the credit of lunatics so found by inquisition, including committees' security accounts, and such funds, together with the stock herein-before mentioned, are in this Act referred to collectively as stock in court.

Provision as to charity funds.

11. In the case of any Consolidated Three Per Cent. Stock or Reduced Three Per Cent. Stock standing in the name of the official trustees of charitable funds, the consent of the trustees or persons acting in the administration of the charity to which that stock belongs shall be required for the acceptance of any offer of payment or exchange in pursuance of this Act.

Power to continue payment of interest in certain cases.

12.—(1.) In the case of any stock in court or of any Consolidated Three Per Cent. Stock or Reduced Three Per Cent. Stock invested on behalf of depositors in Trustee or Post Office Savings banks the Treasury may, if they think fit, make regulations whereby they may, with the consent of the person to whom the dividends on the stock are for the time being payable, continue to pay interest in respect of the stock at the rate of three pounds per centum per annum during a period expiring at a date not later than the fifth day of April one thousand eight hundred and ninety.

Provided that in the case of stock in court, the regulations shall be made with the concurrence of the Lord Chancellor, and where the dividends on the stock are being accumulated the consent required under this section shall be the consent of a judge of the High Court.

(2.) Any interest paid in pursuance of this section shall be payable out of the Consolidated Fund as part of the permanent annual charge for the National Debt.

Provision as to persons not claiming redemption money.

13. If any person credited in pursuance of this Act with money payable to him on redemption of his stock does not claim that money before the first day of October one thousand eight hundred and eighty-nine, the Treasury shall, in the prescribed manner, give him in exchange for his redeemed stock an equal nominal amount of Two and Three-quarters Per Cent. Consolidated Stock the first dividend whereon shall be payable on the fifth day of October one thousand eight hundred and eighty-nine.

Provisions as to powers of attorney.

14.—(1.) A power of attorney authorising the sale of any stock liable to redemption under this Act shall authorise the receipt of any money payable on redemption of that stock.

(2.) A power of attorney given exclusively for the purpose of authorising receipt of money payable on redemption or exchange of stock under this Act, or for the purpose of empowering the attorney to signify any assent authorised by this Act, or for the purpose of authorising a transfer of stock to the Commissioners for the Reduction of the National Debt, shall be exempt from stamp duty.

Power to make rules.

15. The Treasury may from time to time make rules for carrying into effect the provisions of this Act, and may by any such rules provide—

(*a.*) for the manner in which any assent or consent authorised by this Act is to be signified; and

(*b.*) as to the evidence which the Bank may require of the right to signify assent or consent within or after any time limited in that behalf, or of title, unsoundness of mind, infancy, or any other matter; and

(*c.*) in the case of any stock holder who is of unsound mind or an infant, or otherwise under disability, for any assent or consent authorised by this Act being signified by the committee, guardian, or other person on behalf of that stock holder; and

(*d.*) where one or more holders of stock on a joint account is or are of unsound mind, an infant or infants, or under disability, or out of the United Kingdom, for dispensing with the assent or consent of that holder or those holders; and

(*e.*) for modifying the provisions of this Act in their application to stock in respect of which stock certificates have been issued in pursuance of the National Debt Act, 1870; and

33 & 34 Vict. c. 71.

(*f.*) for any matter which may under this Act be prescribed.

Provisions as to Bank.

16.—(1.) A warrant from the Treasury shall be a sufficient authority to the Bank for anything done by the Bank in pursuance of that warrant for the purposes of this Act.

(2.) The Bank shall not be concerned to inquire as to whether any such consent as is required by this Act is given to any exchange of stock, nor be responsible in the event of any such consent not having been given, and may act on any evidence authorised by rules made under this Act, and are hereby indemnified for so acting.

(3.) Nothing in this Act, or in any rules under this Act, shall affect the Bank with notice of any trust.

(4.) The Bank shall have power to advance to the Treasury any money which may be required for the purposes of this Act.

(5.) Any payment which the Bank are authorised by or under this Act to make to a holder of stock, or to any person holding a power of attorney to sell stock, or to receive money on the redemption or exchange of stock, may be made by a warrant sent by post.

(6.) Where a stock holder desires to have a warrant sent to him by post in pursuance of this section, he shall on or before the prescribed date make a request for that purpose to the Bank in writing signed by him in a form approved by the Bank, and shall give to the Bank an address in the United Kingdom, or in the Channel Islands or the Isle of Man, to which the letter containing the warrant is to be sent, and the posting of the letter containing the warrant, addressed in the prescribed manner, shall, as respects the liability of the Bank, be equivalent to the delivery of the warrant to the stock holder.

(7.) A warrant given in pursuance of this section shall be deemed to be a cheque within the meaning of the Bills of Exchange Act, 1882, and shall be exempt from stamp duty.

Remuneration of Banks of England and Ireland.

17. There shall be paid to the Banks of England and Ireland respectively out of the Consolidated Fund on account of any additional trouble, expense, and responsibility which may be imposed on them by this Act, in addition to the remuneration otherwise payable in respect of the management of the National Debt, such remuneration as the Treasury and the Banks respectively agree upon.

Definitions.

18. In this Act, unless the context otherwise requires,—

"The Treasury" means the Commissioners of Her Majesty's Treasury:

"High Court" means Her Majesty's High Court of Justice in England or Ireland, as the case may require:

"The Lord Chancellor" means the Lord High Chancellor of Great Britain:

"The Bank" means the Governor and Company of the Bank of England, or the Governor and Company of the Bank of Ireland, as the case may require:

"Person" includes a body of persons corporate or unincorporate:

"Financial year" means the twelve months ending the thirty-first day of March.

Short title.

19. This Act may be cited as the National Debt Redemption Act, 1889.

SCHEDULE.

Provisions of the National Debt Conversion Act, 1888 (51 Vict. c. 2.) applied.

N.B.—Section 27 of this Act is printed with the addition made thereto by section eight of the National Debt (Supplemental) Act, 1888 (51 & 52 Vict. c. 15.). The words printed in italics are not applicable to exchanges.

Provisions as to savings banks.

16. * * * * * *

(2.) With respect to stock invested on behalf of depositors in trustee and post office savings banks, the assents authorised by this Act may, on the request of any such depositor, be signified by the Commissioners for the Reduction of the National Debt, and those Commissioners and the Postmaster General respectively shall make such provision as seems to them expedient for enabling such request to be made.

* * * * * * *

Provisions as to annuitants.

20.—(1.) Where under any trust or arrangement other than a charitable trust any stock has been appropriated to provide an annuity, and is under this Act liable to be *converted into or* exchanged for new stock, the person in whose name the stock is standing may, at the request of the annuitant, or in the case of several annuitants, the majority of them, and at the expense of the annuitant or annuitants, sell the stock, and invest the proceeds either in any manner authorised by the trust or arrangement, or in any manner in which cash under the control of the High Court, or the Court of Session, may for the time being be invested, and shall not be liable for any loss arising from any such sale or investment.

(2.) In the case of stock standing in the name of Her Majesty's Paymaster General on behalf of the Supreme Court of Judicature in England, or of the Accountant to the Court of Session in Scotland, or of the Accountant General of the Supreme Court of Judicature in Ireland, any such sale or investment may be authorised by the High Court, or the Court of Session, as the case may be.

(3.) Where, in execution of any trust, or in performance of any duty, and whether in pursuance of the order of any court, or otherwise, any stock has been appropriated to provide an annuity, and is under this Act *converted into or* exchanged for new stock, the trust or duty shall, so far as relates to the payment of the annuity, be deemed to be executed or performed by the payment of the dividends on the new stock; but nothing in this section shall affect any power of any court or other authority to make any order as to the application of capital in such cases.

Provisions as to stock mortgages.

21. * * * * * *

(2.) Where under any mortgage or agreement for a loan any person is bound to pay half-yearly sums equal to the dividends on any specified amount of stock, and that amount of stock is under this Act *converted into or* exchanged for new stock, the obligation shall be satisfied by the payment of quarterly sums equal to the dividends on the same amount of new stock.

Power for majority of joint holders to dissent or assent.

22. Where any *new three per cent. stock* consolidated three per cent. stock, or reduced three per cent. stock is standing in the names of more than two persons as joint holders thereof, the assent of the majority of those joint holders shall be sufficient for the purposes of this Act.

* * * * * * * *

Application to new stock of trusts, powers, &c., affecting old stock.

25.—(1.) Where any stock is *converted into or* exchanged for new stock, the new stock, and the dividends thereon, shall be subject to the same trusts, charges, rights, distringas, and restraints as affect the stock so *converted or* exchanged, and the dividends thereon respectively, and all powers of attorney, requests as to dividends, and other documents relating to the stock so *converted or* exchanged, and the dividends thereon, or either of them, shall apply to the new stock, and the dividends thereon respectively.

(2.) In any Act passed or instrument executed before the passing of this Act references to any stock liable to be *converted or* exchanged in pursuance of this Act may, if the stock is so *converted or* exchanged, be construed as references to new stock, and in the case of any testamentary instrument executed before the passing of this Act, any disposition, which, but for the passing of this Act, would have operated as a specific bequest of any such stock, shall if the same is so *converted or* exchanged be construed as a specific bequest of such new stock, and if the same is not so converted, but is paid off or redeemed shall be construed as a pecuniary legacy of a sum of money equal to the nominal amount of the stock so paid off or redeemed.

Indemnity to trustees and others.

26. Persons who are by this Act, or by rules under this Act, authorised *to signify their dissent from the conversion of stock, or* to exchange or consent to the exchange of stock, shall not be liable for any loss resulting *from their not signifying such dissent or* from their making such exchange or giving such consent; and trustees and other persons acting in a fiduciary character are hereby expressly authorised to make such exchange or give such consent.

Re-investment by trustee.

27. When any stock *converted or* exchanged by virtue of this Act into new stock, is held by a trustee, such trustee shall be at liberty to sell the same, and to invest the proceeds arising from such sale in any of the securities for the time being authorised for the investment of cash under the control of the High Court, notwithstanding anything to the contrary contained in the instrument creating the trust.

This section shall, in its application to Scotland, be construed as authorising trustees to invest in any of the securities in which trustees may, without the approval of the Court of Session, invest under the Trusts (Scotland) Amendment Act, 1884. 47 & 48 Vict. c. 63.

Application to court in respect of questions arising out of conversion or exchange.

28.—(1.) If by reason of the *conversion or* exchange of any stock in pursuance of this Act any question arises as to the powers or duties of any trustee, executor, or administrator, or other person acting in a fiduciary character, or as to the application of the dividends or capital of any stock, and in particular as to the cases in which, and extent to which capital may be applied towards meeting any deficiency in income, the High Court in England or Ireland, or the Court of Session in Scotland, on the application of the trustee, executor, or administrator, or other person as aforesaid, or of any person interested in the stock, may by order determine the question.

(2.) In the case of a charity in England or Wales, subject to the provisions of the Charitable Trusts Acts, 1853 to 1887, the like orders may be made by the Charity Commissioners for England and Wales, either on their own motion or on application, and nothing in this section shall authorise an application to the High Court in the matter of such a charity without a certificate from those commissioners.

CHAPTER 5.

An Act to amend the Removal of Wrecks Act, 1877.

[31st May 1889.]

40 & 41 Vict. c. 16.

WHEREAS it is expedient to amend the Removal of Wrecks Act, 1877:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited as the Removal of Wrecks Act, 1877, Amendment Act, 1889.

Definition of "the principal Act."

2. In this Act the term "the principal Act" shall mean the Removal of Wrecks Act, 1877.

Interpretation of "lifeboat service."

3. In this Act—

The term "lifeboat service" means the saving or attempted saving of vessels or of life or property on board vessels wrecked or aground or sunk, or in danger of being wrecked or getting aground or sinking.

Amendment of ss. 4, 5 of principal Act.

4. The fourth and fifth sections of the principal Act shall be read as if the words "or to lifeboats engaged in lifeboat service" were inserted after the word "navigation" in each of the said sections respectively. Provided that in case of obstruction or danger to lifeboats no expenditure shall be incurred by a general lighthouse authority except with the previous sanction of the Board of Trade.

Amendment of s. 5 of principal Act.

5. The fifth section of the principal Act shall be read as if the words "or on or near any rock, shoal, or bank" were inserted after the word "seashore" in the said section.

6. The principal Act and this Act shall be read and construed together as one Act, and may be cited together for all purposes as the Removal of Wrecks Acts, 1877 and 1889.

Construction of Act.

CHAPTER 6.

An Act to amend the Law relating to the National Debt.

[31st May 1889.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Amount of permanent annual charge for National Debt.

1. The amount of the permanent annual charge for the National Debt during the current and every subsequent financial year shall be the sum of twenty-five million pounds, and "twenty-five" shall be substituted for "twenty-six" in section one of the Sinking Fund Act, 1875, as amended by section two of the National Debt and Local Loans Act, 1887.

38 & 39 Vict. c. 43.
50 & 51 Vict. c. 16.

Power to exchange Two and Three-quarters Per Cent. Stock created under 47 & 48 Vict. c. 23.

2. Any holder of Two and Three-quarters Per Cent. Stock created under the National Debt (Conversion of Stock) Act, 1884, may, by assent signified in the prescribed manner, exchange his said stock for an equal nominal amount of Two and Three-quarters Per Cent. Consolidated Stock created in pursuance of the National Debt (Conversion) Act, 1888, or the National Debt Redemption Act, 1889, and thereupon the same provisions shall apply as if the exchange had been effected in pursuance of either of those Acts.

Provision as to stock in court and stock belonging to savings bank depositors.

3. Whereas by section twelve of the National Debt Redemption Act, 1889, the Treasury have power to make regulations with respect to the interest on money payable on redemption of stock in court and of stock invested on behalf of depositors in Trustee or Post Office savings banks, and by reason of the difficulty of communicating with the persons interested in such stock it is expedient to make further provision with respect to the money payable on redemption thereof; be it therefore enacted as follows:—

(1.) The consent required under the said section may be given in the case of stock in court by the Lord Chancellor, and in the case of stock invested on behalf of depositors as aforesaid by the Commissioners for the Reduction of the National Debt, unless, in either case, the person to whom the dividends on the stock are for the time being payable signifies dissent in the manner and within the time required by the regulations.

(2.) The provision contained in section three, sub-section (1) (*b*) of the Savings Bank Act, 1880, shall not apply in the case of the re-investment of money payable on redemption of any stock invested on behalf of depositors as aforesaid, and no commission shall be charged on any such re-investment.

43 & 44 Vict. c. 36.

(3.) Where any money payable on redemption of any stock to which this section applies, remains on the fifth day of April one thousand eight hundred and ninety credited in the books of the Paymaster General or of the Commissioners for the Reduction of the National Debt, that money shall as from that day bear interest at the rate of two and three-quarters per centum per annum, payable at such times as the Treasury by regulations direct out of the Consolidated Fund as part of the permanent annual charge for the National Debt.

(4.) This section shall be construed and have effect as part of the National Debt Redemption Act, 1889.

52 & 53 Vict. c. 4.

Amendment of law as to payment of dividends on stock.

4.—(1.) The Banks of England and Ireland respectively may from time to time, with the concurrence of the Treasury, make regulations for the payment of dividends on stock either by sending warrants through the post, or by payment through a banker, or by payment at a country branch.

(2.) Where a dividend warrant is sent by post in accordance with any such regulations, the posting of the letter containing the warrant, addressed in the manner prescribed by the regulations, shall, as respects the liability of the Bank, be equivalent to the delivery of the warrant to the stockholder.

(3.) Any arrangements made before the passing of this Act for the payment of dividends by warrants sent through the post shall continue, unless and until altered by regulations made after the passing of this Act in pursuance of this section.

(4.) Where two or more persons are registered as joint holders of stock, any one of those persons may give an effectual receipt for any dividend on the stock unless notice to the contrary has been given to the bank by any other of the holders.

(5.) Where two or more persons have given a letter or power of attorney for the receipt of dividends on stock, and one of them becomes of unsound mind, the letter or power shall not thereby be made void.

(6.) This section shall apply to all stock of any company or corporation, funds or annuities, transferable in the books of the Bank of England or of Ireland.

(7.) This section shall be construed and have effect as part of the National Debt Act, 1870.

33 & 34 Vict. c. 71.

Amendment of law as to signature of Exchequer and Treasury bills.

5. After the passing of this Act, Exchequer bills, Exchequer bonds, and Treasury bills shall bear the name of one of the secretaries for the time being to the Treasury, and that name may be impressed or affixed by machinery or otherwise in such manner as the Commissioners of Her Majesty's Treasury from time to time direct by regulations to be laid before both Houses of Parliament.

Repeal.

6. The Acts specified in the schedule to this Act are hereby repealed to the extent appearing in the third column of that schedule, without prejudice to anything done or liability incurred under any enactment hereby repealed.

Short title.

7. This Act may be cited as the National Debt Act, 1889.

SCHEDULE.

Enactments repealed.

Session and Chapter.	Short Title.	Extent of Repeal.
29 & 30 Vict. c. 25. -	The Exchequer Bills and Bonds Act, 1866.	Section three, in part, namely:— The words "and every such "Exchequer bill shall be "signed by the Comptroller "General and Auditor "General in his own name," and the words "but no such "Exchequer bills shall be "signed by them and put "into circulation until notice "of their authority to sign "Exchequer bills under this "Act shall have been duly "notified in the London "Gazette."
33 & 34 Vict. c. 71. -	The National Debt Act, 1870.	Sections twenty and twenty-one.
40 & 41 Vict. c. 2. -	The Treasury Bills Act, 1877.	Section eight, in part, namely:— The words "each Treasury "bill shall be signed by the "said Comptroller and Auditor General in his own "name."

CHAPTER 7.

An Act to grant certain Duties of Customs and Inland Revenue, to alter other Duties, and to amend the Laws relating to Customs and Inland Revenue.

[31st May 1889.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal subjects, the Commons of the United Kingdom of Great Britain and Ireland in Parliament assembled, towards raising the necessary supplies to defray Your Majesty's public expenses and making an addition to the public revenue, have freely and voluntarily resolved to give and grant unto Your Majesty the several duties herein-after mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted, and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited as the Customs and Inland Revenue Act, 1889. Short title.

PART I.

CUSTOMS AND EXCISE.

Import duties on tea.

2. The duties of Customs now chargeable upon tea shall continue to be levied and charged on and after the first day of August one thousand eight hundred and eighty-nine, until the first day of August one thousand eight hundred and ninety, on the importation thereof into Great Britain or Ireland (that is to say):—

Tea, the pound - - - Sixpence.

Increase of duty in respect of beer.
43 & 44 Vict. c. 20.
44 & 45 Vict. c. 12.

3.—(1.) The duty of excise imposed by section eleven of the Inland Revenue Act, 1880, and the duty of Customs imposed by section three of the Customs and Inland Revenue Act, 1881, in respect of beer by relation to worts of a specific gravity of one thousand and fifty-seven degrees, shall be charged, collected, levied, and paid on and after the sixteenth day of April one thousand eight hundred and eighty-nine in respect of beer by relation to worts of a specific gravity of one thousand and fifty-five degrees, and the said Acts shall be read and construed as if the gravity of one thousand and fifty-five degrees were therein substituted for the gravity of one thousand and fifty-seven degrees wherever such last-mentioned gravity is therein referred to.

(2.) The provisions of section three of the Customs and Inland Revenue Act, 1881, with respect to the descriptions of beer called mum, spruce, or black beer shall extend to the description of beer called Berlin white beer, and other preparations, whether fermented or not fermented, of a character similar to mum, spruce, or black beer.

Alteration of duty on a vinegar maker's licence.

4. In lieu of the duties of excise payable on a licence to be taken out by every maker of vinegar or acetous acid for sale there shall be charged and paid from and after the fifth day of July one thousand eight hundred and eighty-nine the duty of one pound.

PART II.

STAMPS.

Estate Duty.

Estate duty on personal property passing by will or on intestacy.

5.—(1.) Where, in the case of any person applying for probate or letters of administration granted in England or Ireland on or after the first day of June one thousand eight hundred and eighty-nine, or in the case of any person exhibiting an inventory in Scotland on or after that day, the value of the estate and effects in respect whereof duty is charged on the affidavit or inventory by section twenty-seven of the Customs and Inland Revenue Act, 1881, exceeds ten thousand pounds, he shall together with such affidavit or inventory deliver a statement of the value of such estate and effects. The statement shall be transmitted with the affidavit or inventory to the Commissioners of Inland Revenue by the proper officer of the High Court of Justice in England or Ireland, or of the proper court in Scotland, and the certificate required under section thirty of the said Act shall extend to, and include the fact of the delivery of the statement.

(2.) Where the value of the personal or moveable property included in an Account delivered according to section thirty-eight of the Customs and Inland Revenue Act, 1881, on or after the first day of June one thousand eight hundred and eighty-nine, exceeds ten thousand pounds, the person delivering the Account shall also deliver together therewith a statement of the value of such property.

(3.) Where pursuant to the provisions of section thirty-two of the Customs and Inland Revenue Act, 1881, a further affidavit is required to be delivered by any person, and where any person intromitting with, or entering upon the possession or management of, any personal or moveable estate or effects in Scotland of any person dying, is required by law to exhibit an additional inventory, the following provisions shall apply:

(*a*.) If the value of the estate and effects in respect whereof duty was charged on the former affidavit or inventory under section twenty-seven of the Customs and Inland Revenue Act, 1881, exceeded ten thousand pounds, the person delivering the further affidavit or exhibiting the additional inventory shall deliver together therewith a statement of the value of the estate and effects included therein or of the increase of value of the estate and effects included in the former affidavit or inventory, as the case may be:

(*b*.) If the value of the estate and effects in respect whereof duty has been charged under the Customs and Inland Revenue Act, 1881, did not exceed ten thousand pounds, and such value together with the value of the estate and effects included in the further affidavit or additional inventory delivered or exhibited or the increased value, as the case may be, exceeds ten thousand pounds, such person delivering the further affidavit or exhibiting the additional inventory shall deliver together therewith a statement of the value of the estate and effects included therein, and in the former affidavit or inventory, or of the value as increased of the estate and effects included in the former affidavit or inventory, as the case may be.

(4.) There shall be charged and paid on every statement to be delivered in conformity with this section a duty of one pound for every full sum of one hundred pounds, and for any fraction of one hundred pounds over any multiple of one hundred pounds of the value of the estate and effects or of the personal or moveable property, as the case may be.

(5.) The duties respectively imposed by this section are to be in addition to the stamp duties charged on the affidavit required from persons applying for probate or letters of administration in England or Ireland, and on the inventory exhibited and recorded in Scotland, and in addition to the stamp duties charged on such Accounts of personal and moveable property as are specified in section thirty-eight of the Customs and Inland Revenue Act, 1881, as amended by this Act, but are not to be deemed "probate duties" within the meaning assigned to that expression by section twenty-one of the Local Government Act, 1888, or by section five of the Probate Duties (Scotland and Ireland) Act, 1888.

44 & 45 Vict. c. 12.

51 & 52 Vict. c. 41.

51 & 52 Vict. c. 60.

(6.) The provisions contained in section thirty-one of the Customs and Inland Revenue Act, 1881, for the return of stamp duty overpaid, shall apply to the return of duty overpaid on any

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statement delivered under this section, and in Scotland a return of duty overpaid on any statement so delivered shall be made in like manner as a return is now made of stamp duty overpaid on an additional inventory.

(7.) Where a further affidavit or additional inventory is delivered or exhibited of any estate or effects of a deceased person after a former affidavit or inventory of the estate and effects of the same person has been delivered or exhibited and recorded prior to the first day of June one thousand eight hundred and eighty-nine, it shall not be necessary to deliver any statement of the value of the estate and effects of such person under this section.

Estate duty on successions.

16 & 17 Vict. c. 51.

6.—(1.) Where the value of any succession upon the death of any person dying on or after the first day of June one thousand eight hundred and eighty-nine chargeable with duty under the Succession Duty Act, 1853, and the Customs and Inland Revenue Act, 1888, exceeds ten thousand pounds, and where the value of any succession to real property under the will or intestacy of any person so dying chargeable with duty under the said Act does not exceed ten thousand pounds, but such value together with the value of any other benefit taken by the successor under such will or intestacy exceeds ten thousand pounds, a separate statement of the value of the succession shall be delivered to the Commissioners of Inland Revenue, together with the Account to be delivered under section forty-five of the said Act.

(2.) There shall be charged and paid on every statement to be delivered in conformity with this section, in respect of the value of the succession, a duty of one pound for every full sum of one hundred pounds, and for any fraction of one hundred pounds over any multiple of one hundred pounds of such value.

(3.) The duty imposed by this section shall not be payable upon the value of leaseholds passing by will or devolution by law or of property included in an Account delivered according to section thirty-eight of the Customs and Inland Revenue Act, 1881, as amended by this Act, in respect of which value duty has been paid under the last preceding section.

51 & 52 Vict. c. 8.

(4.) The duty imposed by this section is to be in addition to any duties chargeable under the Succession Duty Act, 1853, and section twenty-one of the Customs and Inland Revenue Act, 1888, and shall, subject to the provisions of this Act, be assessed and paid in like manner as succession duty, and be subject to the enactments relating to that duty, so far as the same are applicable.

(5.) The value upon which the duty imposed by this section in respect of a succession to real property is to be charged and assessed shall be ascertained in accordance with the Succession Duty Act, 1853, subject to the following provisions:

(*a.*) In the case of a successor who is entitled to the real property comprised in his succession for an estate in fee simple, or in fee according to the custom of any manor, or for lives renewable under any custom or under any lease for lives, or for any estate in tail, or under an entail under which he can acquire the property in fee simple without consent of any person, or is entitled to any such property for life, and competent to dispose as he shall think fit of a continuing interest therein, the value shall be the principal value of such property based upon the annual value estimated after making such allowances (if any) as ought to be made under the said Act. The duty payable in respect of such principal value shall not in any case exceed the amount which would be chargeable upon an annuity equal to such annual value according to the highest value in Table III. in the Schedule of the Succession Duty Act, 1853:

(*b.*) In the case of an increase of benefit accruing to a successor, and chargeable to succession duty by reference to sections five, twenty, or twenty-five of the Succession Duty Act, 1853, where the value of the succession, apart from the increase of benefit, shall exceed ten thousand pounds, such increase of benefit shall be chargeable with duty under this section, whatever may be the value thereof; and where the value of the succession, apart from the increase of benefit, shall not exceed ten thousand pounds, the value of such increase of benefit, as well as of every preceding increase of benefit, shall be added to the value of the succession for the purpose of the said duty.

(6.) The duty imposed by this section shall in the case of real property be a first charge thereon, or on the interest of the successor therein, according as the duty is or is not chargeable on the principal value of such property, and shall be paid in like manner as if the duty were a part of the succession duty payable under section twenty-two of the Customs and Inland Revenue Act, 1888, and together with the payments in respect of that duty.

51 & 52 Vict. c. 8.

Duration of charge of estate duty.

7. The duties herein-before imposed by this part of this Act shall not be payable in respect of the value of the estate and effects of any person dying on or after the first day of June one thousand eight hundred and ninety-six, or of the value of any personal or moveable property included in an Account by relation to the death of any person so dying, or in respect of the value of any succession upon the death of any person so dying, and statements of such values shall not be required.

Double duty or interest payable in case of default.

8.—(1.) If any person who ought to deliver a statement as required by this part of this Act shall neglect to do so, he shall be liable to pay to Her Majesty double the amount of duty chargeable, and the same shall be a debt due from him to the Crown, and be recoverable by any of the ways or means now in force for the recovery of probate, legacy, or succession duties.

(2.) In any case in which any duty herein-before imposed by this part of this Act shall be in arrear, the person by whom the arrears of duty may be payable shall be liable to pay interest thereon at the rate of four pounds per centum per annum, and such interest shall be recoverable by the Commissioners of Inland Revenue in the same manner as the arrears of duty and as part thereof: Provided always, that the acceptance or recovery by the said Commissioners of arrears of duty, with interest thereon as aforesaid, shall be an absolute waiver of the penalties (if any) which may have been incurred.

The duties to be stamp duties.

9.—(1.) The duties herein-before imposed by this part of this Act shall be stamp duties, and shall be under the care and management of the Commissioners of Inland Revenue, who by themselves and their officers shall have the same powers and authorities for the collection, recovery, and management thereof as are vested in them for the collection, recovery, and management of any stamp duties, and shall have all other powers and authorities requisite for carrying this part of this Act into execution.

(2.) The statements required to be delivered under this part of this Act shall be in such form as may be prescribed by the Commissioners of Inland Revenue, who shall provide forms accordingly, and the duty on the statement shall be denoted in such manner as the Commissioners may think proper.

Amendments of Law as to Succession Duties and Duties on Accounts.

Amendments of the law as to succession duty.

10.—(1.) The allowance under section thirty-eight of the Succession Duty Act, 1853, to a successor upon taking a succession upon the death of any person dying on or after the first day of June one thousand eight hundred and eighty-nine, shall only be made in respect of the value of property which the successor may have acquired by any title not conferring a succession on him, and which passes from the successor to some other person.

(2.) Subject to the relief given by section eighteen of the Succession Duty Act, 1853, in respect of property not amounting in money or principal value to the sum of one hundred pounds, the duties charged under the said Act, and section twenty-one of the Customs and Inland Revenue Act, 1888, shall be payable upon a succession upon the death of any person dying on or after the first day of June one thousand eight hundred and eighty-nine, although the value thereof shall be less than twenty pounds.

(3.) The Commissioners of Inland Revenue, if dissatisfied with the account and estimate originally delivered in conformity with section forty-five of the Succession Duty Act, 1853, may, subject to appeal as therein provided, assess the duty on the footing of such account and upon such estimate as they may place thereon, or proceed according to the directions of that section.

Amendment of 44 & 45 Vict. c. 12. s. 38.

11.—(1.) Sub-section two of section thirty-eight of the Customs and Inland Revenue Act, 1881, is hereby amended, as follows:—

The description of property marked (*a*) shall be read as if the word "twelve" were substituted for the word "three" therein, and the said description of property shall include property taken under any gift, whenever made, of which property bonâ fide possession and enjoyment shall not have been assumed by the donee immediately upon the gift and thenceforward retained, to the entire exclusion of the donor, or of any benefit to him by contract or otherwise:

A G. v Worrall 1894 W.N. 195. 1895. 1 Q.B. 99. The benefit to the donor need not be out of the subject matter of the gift. —

annuity. A.G. v Seccombe 1911. 2 K.B. 688

The description of property marked (*b*) shall be construed as if the expression "to be transferred to or vested in himself and "any other person" included also any purchase or investment effected by the person who was absolutely entitled to the property either by himself alone, or in concert, or by arrangement, with any other person:

Purchase in joint names with deposit for benefit of survivorship. A G. v Ellis. 1895. 2 Q.B. 466.

The description of property marked (*c*) shall be construed as if the expression "voluntary settlement" included any trust, whether expressed in writing or otherwise, in favour of a volunteer, and, if contained in a deed or other instrument effecting the settlement, whether such deed or other instrument was made for valuable consideration or not as between the settlor and any other person, and as if the expression "such property," wherever the same occurs, included the proceeds of sale thereof:

A G. v Gosling 1892. 1 QB. 545.
×× A G. v Jacobs Smith 1895. 2 QB. 341.

The charge under the said section shall extend to money received under a policy of assurance effected by any person dying on or after the first day of June one thousand eight hundred and eighty-nine, on his life, where the policy is wholly kept up by him for the benefit of a donee, whether nominee or assignee, or a part of such money in proportion to the premiums paid by him, where the policy is partially kept up by him for such benefit.

(2.) A return of stamp duty shall not be made under sub-section three of the said section thirty-eight by reason of, or in relation to, any account delivered on or after the first day of June one thousand eight hundred and eighty-nine.

Limitation of Claims to Succession Duty or Legacy Duty in certain Cases.

Purchasers and mortgagees exempted from liability to succession duty after a specified period.

12.—(1.) Notwithstanding the forty-second section of the Succession Duty Act, 1853, or any other provision contained in that Act, real property, or any estate or interest therein, shall not, as against a purchaser for valuable consideration, or a mortgagee, remain charged with or liable to payment of any sum for succession duty or duty herein-before imposed by this part of this Act, after the expiration of six years from the date of notice to the Commissioners of Inland Revenue of the fact that the successor, or any person in his right or on his behalf, has become entitled in possession to his succession or to the receipt of the income and profits thereof, or from the date of the first payment by such successor or person of any instalment or part of the duty, in case the successor shall not have availed himself of the option given to him by section twenty-two of the Customs and Inland Revenue Act, 1888, or after two years from the time for the payment by such successor of the last instalment or part of the duty, if he has availed himself of such option; or, in the absence of any such notice or payment, after the expiration of twelve years from the happening of the event (whether before or after the passing of this Act) which gave rise to an immediate claim to such duty, or if such period of twelve years expires within six years from the date of the passing of this Act, then after the expiration of six years from the last-mentioned date.

(2.) The duty (if any) unpaid at the expiration of such period of six years, or of twelve years or six years as the case may be, shall be payable and paid by the successor or the persons mentioned as accountable in section forty-four of the said Act, other than the purchaser or mortgagee, and shall become charged substitutively upon any other estate or interest comprised in the succession of the successor remaining vested in him, or in any person in his right or on his behalf, other than the purchaser or mortgagee, and in case of a mortgage upon the equity of redemption.

(3.) This section is not to lessen or affect any liability of any successor or accountable person, other than the purchaser or mortgagee, to payment of duty, whether out of money received on any sale or mortgage, or otherwise; but a purchaser or mortgagee shall not, for the purpose of obtaining the exemption conferred by this section, be bound to see that the duty is discharged out of the money or other consideration paid or given as the consideration for the sale or mortgage.

Power to deposit copies of documents and liability to duty to cease after specified period.

13.—(1.) Any person may cause an attested copy (which shall be exempt from stamp duty) of any document which creates a liability for payment of any succession duty, or duty herein-before imposed by this part of this Act, other than a testamentary document admitted to probate, to be deposited with the Commissioners of Inland Revenue at their principal office in London, Edinburgh, or Dublin, as the case may require, and such copy shall be received at that office.

(2.) The officer of the Commissioners receiving the copy shall, on request of the person making the deposit, and either by indorsement on the original document or otherwise, give a receipt in writing under his hand for the copy.

(3.) After a receipt has been given by an officer for a copy of a document under this section, no person shall be liable for payment of any duty under such document after the expiration of six years from the date of notice to the Commissioners of the fact which gives rise to an immediate claim to such duty.

(4.) The costs of depositing a copy of a document and obtaining a receipt under this section shall be deemed costs duly incurred by a trustee, executor, or administrator, or any other person in the execution of his duties as trustee, executor, or administrator, or otherwise, under the document.

Liability to duty under documents admitted to probate to cease after a specified period.

14. No person shall, under a testamentary document admitted to probate, or under letters of administration, or under a confirmation, be liable for payment of any legacy duty or succession duty, or duty herein-before imposed by this part of this Act, after the expiration of six years from the date of the settlement of the account in respect of which the duty is payable, where such account was in all respects a full and true account and contained all the facts material to be known by the Commissioners of Inland Revenue for the ascertainment of the rate and amount of duty; and no trustee, executor, or administrator shall, after the expiration of such six years, be liable to such duty if it is proved to the satisfaction of the Commissioners that the account rendered was correct to the best of his knowledge, information, and belief.

As to notices under this part of this Act.

15. Every notice referred to in this part of this Act shall be in writing and in such form as the Commissioners of Inland Revenue shall prescribe, and shall be delivered or sent in duplicate, and an acknowledgment of the receipt thereof, by or on behalf of the Commissioners, upon the duplicate shall be forthwith returned to the person by whom the notice was delivered or sent.

Miscellaneous.

Construction of section 11 of 51 & 52 Vict. c. 8.

16. Whereas doubts have arisen as to the construction of the expression "amount of nominal capital to be raised by shares of any "company to be registered with limited liability" in section eleven of the Customs and Inland Revenue Act, 1888, be it enacted that such expression shall be construed as meaning and including the entire amount which is to form the nominal share capital of the company.

Charge of duty on capital of companies with limited liability otherwise than under the Companies Acts.

17.—(1.) Where by virtue of any letters patent to be hereafter granted by Her Majesty, her heirs or successors, or any Act of Parliament to be hereafter passed, the liability of the holders of shares in the capital of any corporation or company is limited otherwise than by registration with limited liability under the law in that behalf, a statement of the amount of nominal share capital of the corporation or company shall be delivered by the corporation or company to the Commissioners of Inland Revenue within one calendar month after the date of the letters patent or the passing of the Act, and in case of any increase of the amount of nominal share capital of any corporation or company, whether now existing or to be hereafter formed, being authorised by any letters patent or Act of Parliament to be hereafter granted or passed, a statement of the amount of such increase shall be delivered by the corporation or company to the said Commissioners within the like period.

(2.) The statement shall be charged with an ad valorem stamp duty of two shillings for every one hundred pounds and any fraction of one hundred pounds over any multiple of one hundred pounds of the amount of such capital or increase of capital as the case may be, and shall be duly stamped accordingly when the same is delivered to the said Commissioners.

(3.) In the case of neglect to deliver such a statement as is hereby required to be delivered, the corporation or company shall be liable to pay to Her Majesty a sum equal to ten pounds per centum upon the amount of duty payable, and a like penalty for every month after the first month during which such neglect shall continue.

Certain contracts to be chargeable as conveyances on sale.

18.—(1.) Every instrument containing a contract, whether executed or executory, for the sale or purchase of any property, save such as passes by delivery, or must be conveyed by deed, shall, so far as relates to stamp duty thereon, be deemed to be a conveyance on sale of such property; provided that the ad valorem duty paid upon any instrument in respect of any executory contract shall be returned by the Commissioners of Inland Revenue, if, within twelve months from the date of the first execution of the instrument, the executory contract shall have been rescinded, or shall have become null and void by reason of any notice given according to the terms of the instrument, or the default of any party thereto to perform any condition precedent specified in the instrument, and declared to be essential to the completion of the contract.

(2.) Any instrument made subsequently to the instrument containing the contract for the purpose of vesting in the purchaser the property contracted to be sold shall not be charged with any higher duty than ten shillings.

PART III.

Income Tax.

Grant of duties of income tax.

19. There shall be charged, collected, and paid for the year which commenced on the sixth day of April one thousand eight hundred and eighty-nine, in respect of all property, profits, and gains mentioned or described as chargeable in the Act of the sixteenth and seventeenth years of Her Majesty's reign, chapter thirty-four, the following duties of income tax; (that is to say,)

For every twenty shillings of the annual value or amount of property, profits, and gains chargeable under Schedules (A.), (C.), (D.), or (E.) of the said Act, the duty of sixpence.

And for every twenty shillings of the annual value of the occupation of lands, tenements, hereditaments, and heritages chargeable under Schedule (B.) of the said Act—

In England, the duty of threepence;

In Scotland and Ireland respectively, the duty of twopence farthing.

Application of provisions of Income Tax Acts.

20. All such provisions contained in any Act relating to income tax as were in force on the fifth day of April, one thousand eight hundred and eighty-nine, shall have full force and effect with respect to the duties of income tax granted by this Act, so far as the same shall be consistent with the provisions of this Act.

Assessment of income tax under Schedules (A.) and (B.) and of the inhabited house duties for the year 1889–90. 32 & 33 Vict. c. 67.

21. With respect to the assessment of the duties of income tax hereby granted under Schedules (A.) and (B.) in respect of property elsewhere than in the metropolis as defined by the Valuation (Metropolis) Act, 1869, and of the duties on inhabited houses elsewhere than in the said metropolis, for the year commencing, as respects England, on the sixth day of April, and, as respects Scotland, on the twenty-fourth day of May, one thousand eight hundred and eighty-nine, the following provisions shall have effect:

(*a.*) The inspectors or surveyors of taxes shall be the assessors for the said duties, and, in lieu of the poundage by law granted to be divided between the assessors and collectors in regard to such duties, there shall be paid a poundage of three half-pence to the collectors thereof:

(*b.*) The sum charged as the annual value of any property in the assessment of income tax thereon for the year which commenced on the sixth day of April one thousand eight hundred and eighty-eight, and the sum charged as the annual value of every inhabited house in the assessment made thereon for the same year as respects England, and as respects Scotland for the year which commenced on the twenty-fifth day of May one thousand eight hundred and eighty-eight, shall be taken as the annual value of such property, or of such inhabited house, for the assessment and charge thereon of the duties of income tax hereby granted or of the duties on inhabited houses, to all intents and purposes as if such sum had been estimated to be the annual value in conformity with the provisions in that behalf contained in the Acts relating to income tax and the duties on inhabited houses respectively:

(*c.*) The Commissioners executing the said Acts shall for each place within their district cause duplicates of the assessments to be made out and delivered to the collectors, together with the warrants for collecting the same.

Provisions of Income Tax Acts to apply to duties to be granted for succeeding year.

22. In order to ensure the collection in due time of any duties of income tax which may be granted for the year commencing on the sixth day of April one thousand eight hundred and ninety, all such provisions contained in any Act relating to the duties of income tax as are in force on the fifth day of April one thousand eight hundred and ninety shall have full force and effect with respect to the duties of income tax which may be so granted in the same manner as if the said duties had been actually granted and the said provisions had been applied thereto by an Act of Parliament passed on that day.

CHAPTER 8.

An Act to make further provision for Naval Defence and defray the Expenses thereof. [31st May 1889.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal subjects, the Commons of the United Kingdom of Great Britain and Ireland in Parliament assembled, being desirous to provide forthwith for increasing Your Majesty's naval force for the protection of Your Majesty's dominions and the trade thereof, and with that object to provide for building, equipping, and completing for sea, with sufficient armament, the vessels herein-after mentioned, have cheerfully granted unto Your Majesty for those purposes the sum herein-after mentioned, and have resolved that that sum should be raised as herein-after provided:

We do therefore most humbly beseech Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Building, arming, equipping, and completing for sea of vessels specified in Schedule, and amount of money to be spent for that purpose.

1.—(1.) The Admiralty shall forthwith cause to be built, equipped, and completed for sea with sufficient armament the number of vessels of the different classes specified in the Schedule to this Act, and each of such vessels shall approximately be of the tonnage and speed, and have as part of its armament the guns in that schedule mentioned.

(2.) Such vessels with their armament shall, so far as is practicable, be completed for sea before the first day of April one thousand eight hundred and ninety-four.

(3.) The Admiralty may expend, in pursuance of this Act for the above purposes, the sum of twenty-one million five hundred thousand pounds as follows; that is to say—

(*a.*) for the purpose of building and completing by contract the vessels specified in Part One of the Schedule to this Act (in this Act referred to as the contract vessels), and of the armament of those vessels, the sum of ten million pounds; and (*b.*) for the purpose of dockyard shipbuilding, that is to say, of building, equipping, and completing for sea in Her Majesty's dockyards the vessels specified in Part Two of the Schedule to this Act (in this Act referred to as the dockyard vessels), and of surveying, equipping, and completing for sea in Her Majesty's dockyards the contract vessels after their delivery by the contractors, the sum of eight million six hundred and fifty thousand pounds; and

(*c.*) for the purpose of the armament of the dockyard vessels the sum of two million eight hundred and fifty thousand pounds.

Financial arrangements for contract vessels (Part I. of Schedule).

2.—(1.) For the purposes of this Act, there shall be opened an account at the Bank of England (in this Act referred to as the Naval Defence Account), and the money issued to that account in pursuance of this section shall be applied for the purpose of building and completing the contract vessels, and of the armament of those vessels in accordance with the schedule to this Act, and for no other purpose.

(2.) To provide such money there shall be issued out of the Consolidated Fund at the times in this section mentioned the sum of ten million pounds.

(3.) An amount equal to one seventh of that sum shall be charged on the Consolidated Fund and issued out of that Fund, or the growing produce thereof, to the Naval Defence Account in each of the seven financial years ending on the thirty-first day of March one thousand eight hundred and ninety-six, in such instalments and at such times in each year as the Treasury from time to time fix.

(4.) If at any time the money standing to the Naval Defence Account is insufficient to meet the sums for the time being applicable thereout for the purpose in this section mentioned, the Treasury may, if they think fit, advance the deficiency out of the Consolidated Fund or the growing produce thereof or borrow the same, and any such advance shall be repaid to the Consolidated Fund before the end of the seven financial years above mentioned out of the moneys standing to the Naval Defence Account.

(5.) For the purpose of such borrowing, or of raising money to repay to the Consolidated Fund any such advance, or of paying off any money borrowed or security issued under this section, the Treasury may, if they think fit, issue exchequer bonds or exchequer bills or treasury bills, or otherwise borrow on the credit of the guarantee of the Consolidated Fund created by this Act, or do all of such things, and the sum arising from such issue or borrowing shall be paid into the Exchequer.

(6.) The principal of all securities so issued or sums so borrowed shall be paid off, together with the interest thereon, before the end of the seven financial years above mentioned, and shall be so paid, if principal, out of the moneys standing to the Naval Defence Account, and if interest, out of the moneys annually provided by Parliament for navy services.

(7.) The payment of such principal and interest shall be guaranteed by the Consolidated Fund, and if the sums otherwise provided to meet the same prove insufficient, the principal and interest shall so far as the said sums are insufficient be charged upon and paid out of the Consolidated Fund or the growing produce thereof.

(8.) If at the end of the said seven financial years any surplus remains on the Naval Defence Account out of the money issued thereto in pursuance of this section, such surplus shall be paid and applied as part of the new sinking fund.

Financial arrangements for dockyard work (Part II. of Schedule).

3.—(1.) To meet the expenses incurred by the Admiralty for the purpose of dockyard shipbuilding, as before defined, and of the armament of the dockyard vessels, there shall be applied out of moneys provided by Parliament for navy services during the five financial years ending the thirty-first day of March one thousand eight hundred and ninety-four, sums not exceeding in the whole the amount authorised by this Act to be expended for those purposes and not exceeding in any one financial year—

(*a.*) for the purpose of dockyard shipbuilding, in accordance with the Schedule to this Act, the sum of two million six hundred and fifty thousand pounds, or such less sum as may be required by the Admiralty or may remain after deducting the sum which, under the proviso herein-after mentioned, is not available for such dockyard shipbuilding in that year; and

(*b.*) for the purpose of the armament of the dockyard vessels, in accordance with the Schedule to this Act, the sum of six hundred thousand pounds or such less sum as may be required by the Admiralty in that year.

Provided that such portions of the moneys provided by Parliament for navy services as is required by the Admiralty in any financial year for completing for sea the vessels not mentioned in the Schedule to this Act, which were already begun before the commencement of the above-mentioned five financial years, shall be deducted from the said two million six hundred and fifty thousand pounds, which otherwise might be issued in pursuance of this section in that year, and shall not be available for the purpose of dockyard shipbuilding in accordance with the Schedule to this Act.

(2.) If in any financial year any portion of the sum which can be applied in pursuance of this section for either of the said purposes is not expended, that portion shall be transferred to the Naval Defence Account, and may in accordance with the directions of the Treasury be applied in any other of the said five financial years for the same purpose as an addition to the said two million six hundred and fifty thousand pounds, or the said six hundred thousand pounds, as the case may be.

(3.) If in any financial year the Admiralty satisfy the Treasury that for completing for sea the dockyard vessels within the time specified by this Act it is desirable to make on account of armour plates or stores immediate payments in excess of the estimate submitted to the Admiralty as herein-after mentioned, and in excess of the said sum of two million six hundred and fifty thousand pounds and of any addition thereto from the Naval Defence Account, the Treasury may advance out of the Consolidated Fund or the growing produce thereof, to the Naval Defence Account, the sums required for those payments, and all such advances may be applied for those payments and for no other purpose, and shall be repaid to the Consolidated Fund in the next financial year out of the said two million six hundred and fifty thousand pounds.

(4.) If at the end of the said five financial years any surplus remains on the Naval Defence Account out of moneys transferred thereto in pursuance of this section, such surplus shall be paid and applied as part of the new sinking fund.

Restrictions on application of money issued.

4.—(1.) The Admiralty shall submit to the Treasury

(*a.*) before any money is applied in pursuance of this Act an estimate, under the head of each vessel, of the total expenditure on the vessel and its armament; and

(*b.*) before any money is so applied in any financial year, an estimate under such sub-heads (whether common to all or any of the vessels or not) as may be required by the Treasury, of the expenditure for which it is proposed to apply money during that year.

(2.) There shall be no excess of expenditure on any vessel, including its armament, or under any sub-head above the amount stated for that vessel or sub-head in the estimate, unless the Admiralty represent in writing to the Treasury, and satisfy them—

(*a.*) that the excess is compensated by a saving on some other vessel or sub-head, as the case may be; and

(*b.*) that the excess will not cause the total expenditure to exceed the total sum allowed by this Act; and

(*c.*) that the transfer of the expenditure from one vessel or sub-head to the other will not affect the requirement of this Act, that the vessels shall be of such class and approximately be of such tonnage and speed, and have such guns as are specified in the schedule,

and the Treasury when so satisfied may, if they think fit, authorise the saving to be applied towards the payment of the excess.

Preparation and audit of account of expenditure under the Act.

5.—(1.) The Admiralty shall, at the end of every financial year in which any money is expended under this Act, cause to be made up an account, in such form as may be required by the Treasury, showing both for each year and for the whole period after the passing of this Act as follows:

(*a.*) the amount of money expended for the purposes of this Act, distinguishing each purpose on which such money was expended, and the expenditure on each of the vessels and its armament; and

(*b.*) the amount of money provided to meet such expenditure, and the mode in which, and the amount and nature of the securities (if any) by which, it was provided; and

(*c.*) the balance (if any) of the money authorised by this Act to be provided for such expenditure.

(2.) The accounts of expenditure under this Act, so far as such expenditure is not included in the appropriation accounts of money annually granted by Parliament for navy services, shall be audited by the Comptroller and Auditor General as appropriation accounts.

(3.) The account of the receipts and expenditure of the Naval Defence Account shall be audited by the Comptroller and Auditor General in accordance with such regulations as the Treasury from time to time make, and shall be annually laid before Parliament, together with his report thereon.

Supplemental provisions.

6.—(1.) The money authorised by this Act to be applied for any purpose shall not be applied to meet any charges which have hitherto been treated by the Admiralty as establishment or incidental charges.

(2.) Transfers to and from and payments into and out of the Naval Defence account and all other matters relating to the account and to the moneys standing to the account, shall be made and regulated in such manner as the Treasury from time to time direct.

(3.) The Governor and Company of the Bank of England may lend any money which the Treasury are authorised by this Act to borrow.

Summary of contracts to be laid before Parliament.

7. A summary of the contracts entered into by virtue of this Act, for each contract vessel, her propelling machinery, and guns, shall be laid before both Houses of Parliament within ninety days after the same is entered into, if Parliament is then sitting, and, if not, then within thirty days after the next meeting of Parliament.

Definitions.

8. In this Act—

The expression "Treasury" means the Commissioners of Her Majesty's Treasury:

The expression "the Admiralty" means the Commissioners for executing the office of Lord High Admiral:

The expression "financial year" means the twelve months ending the thirty-first day of March:

The expression "Consolidated Fund" means the Consolidated Fund of the United Kingdom of Great Britain and Ireland:

The expression "armament" includes reserves as well as outfit:

The expression "money expended" includes the value of stores issued from stock and used in the construction or completion of the vessels to be built under this Act.

Short title.

9. This Act may be cited as the Naval Defence Act, 1889.

SCHEDULE.

Part One.—Vessels to be Built by Contract.

Classes, and Approximate Tonnage, Speed, and Armament.

Number of Ships to be Built.		Four.	Five.	Seventeen.	Six.
Class.		Battle Ship, 1st Class.	Protected Cruiser, 1st Class.	Protected Cruiser, 2nd Class, modified "Medea" Type.	Torpedo Gun Boat, "Sharpshooter" Type.
Tonnage displacement at load draught -		14,150 tons.	7,350 tons.	3,400 tons.	735 tons.
Maximum speed, Load draught - -	Forced draught -	17½ knots.	20 knots.	20 knots.	21 knots.
	Natural draught -	16 knots.	18 knots.	18 knots.	18·75 knots.
Armament - - - -		Four—13½″ guns.	Two—9·2″ guns.	Two—6″ guns.	
		Ten—6″ guns.	Ten—6″ guns.	Six—4·7″ quick-firing guns.	Two—4·7″ quick-firing guns.

Note.—The displacement and speed are given for unsheathed ships. Some of the cruisers will be wood-sheathed and coppered, and the speed of those vessels may be slightly less than above stated.

Part Two.—Vessels to be built in H.M. Dockyards.

Classes, and Approximate Tonnage, Speed, and Armament.

Number of Ships to be built.	Four.		Two.	Four.	Twelve.	Four.	Twelve.
Class.	Battle ship—1st Class.		Battle ship, 2nd Class.	Protected Cruiser, 1st Class.	Protected Cruiser, 2nd Class. Modified "Medea" type.	Protected Cruiser, 2nd Class. "Pandora" type.	Torpedo Gun-boat. "Sharpshooter" type.
	One Turret ship.	Three Barbette ships.					
Tonnage displacement at load draught.	14,150 tons.	14,150 tons.	9,000 tons.	7,350 tons.	3,400 tons.	2,575 tons.	735 tons.
Maximum speed, Load draught: Forced draught.	17½ knots.	17½ knots.	18 knots.	20 knots.	20 knots.	19 knots.	21 knots.
Maximum speed, Load draught: Natural draught.	16 knots.	16 knots.	16½ knots.	18 knots.	18 knots.	16½ knots.	18·75 knots.
Armament - -	Four 13½″ guns. Ten 6″ guns.	Four 13½″ guns. Ten 6″ guns.	Four 10″ guns. Eight 4·7″ quick-firing guns.	Two 9·2″ guns. Ten 6″ guns.	Two 6″ guns. Six 4·7″ quick-firing guns.	Eight 4·7″ quick-firing guns.	Two 4·7″ quick-firing guns.

Note.—The above displacement and speed are for unsheathed ships. The second-class battle ships and some of the cruisers will be wood-sheathed and coppered, and the speed of those vessels may be slightly less than above stated.

CHAPTER 9.

An Act to amend the Public Libraries Act, 1855.

[31st May 1889.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Repeal of 18 & 19 Vict. c. 70. s. 13. and provisions in lieu thereof.

1. Section thirteen of the Public Libraries Act, 1855, shall be repealed, and in place thereof the following provisions shall have effect.

The expenses of calling and holding the meeting of the ratepayers, whether the Public Libraries Acts shall be adopted or not, and the expenses of carrying those Acts into execution in any parish, to such amount as shall be from time to time sanctioned by the vestry, shall be paid out of a rate to be raised with and as part of the poor rate; provided that every person assessed to such rate in respect of lands used as arable, meadow, or pasture ground only, or as woodlands or market gardens, or nursery grounds, shall be entitled to an allowance of two-thirds of the sum assessed upon him in respect of such lands for such expenses; the vestry to be called for the purpose of sanctioning the amount shall be convened in the manner usual in the parish; and the amount for the time being proposed to be raised for such expenses shall be expressed in the notice convening the vestry, and shall be paid according to the order of the vestry, to such person as shall be appointed by the Commissioners to receive the same: Provided also, that in the notices requiring the payment of the rate there shall be stated the proportion which the amount to be thereby raised for the purposes of the said Acts shall bear to the total amount of the rate.

Proviso as to rate made before passing of Act.

2. Nothing in this Act shall be deemed to invalidate any rate made prior to the passing thereof, and any expenses to which section thirteen of the Public Libraries Act, 1855, applied may be paid out of any such rate as if this Act had not passed.

Joint library for several parishes.

3. It shall be lawful for the Commissioners separately appointed under the Public Libraries (England) Acts, 1855 to 1887, for any two or more adjoining parishes, with the consent of the vestries of such parishes, from time to time to agree to share in such proportions and for such period as may be determined by the agreement, the cost of the purchase, erection, repair, and maintenance of any library building situate in one of such parishes, and also the cost of the purchase of books, periodicals, and newspapers for such library, and all other expenses connected with the same; and the inhabitants of both or all the said parishes, as the case may be, shall be entitled to use the said library so long as the agreement shall continue in force.

And any such agreement may provide that upon its termination an adjustment shall be made of the interests of the several Commissioners in the library, building, books, and other property to which they have contributed, and as to the mode in which such adjustment shall be arrived at.

Short title.

4. This Act may be cited as the Public Libraries Acts Amendment Act, 1889, and this Act and the Public Libraries (England) Acts, 1855 to 1887, shall be read and construed together as one Act, and may be cited together as the Public Libraries (England) Acts, 1855 to 1889.

CHAPTER 10.

An Act for amending and consolidating enactments relating to the administration of Oaths. [31st May 1889.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Appointment and powers of commissioners for oaths.

1.—(1.) The Lord Chancellor may from time to time, by commission signed by him, appoint persons being practising solicitors or other fit and proper persons to be commissioners for oaths, and may revoke any such appointment.

(2.) A commissioner for oaths may, by virtue of his commission, in England or elsewhere, administer any oath or take any affidavit for the purposes of any court or matter in England, including any of the ecclesiastical courts or jurisdictions, matters ecclesiastical, matters relating to applications for notarial faculties, and matters relating to the registration of any instrument, whether under an Act of Parliament or otherwise, and take any bail or recognizance in or for the purpose of any civil proceeding in the Supreme Court, including all proceedings on the revenue side of the Queen's Bench Division.

see case noted next below.

(3.) Provided that a commissioner for oaths shall not exercise any of the powers given by this section in any proceeding in which he is solicitor to any of the parties to the proceeding∘, or clerk to any such solicitor, or in which he is interested.

∘ meaning D. In re Bagley 1911 1 KB 317 includes affdt. on regn. of deed of arrangt.

Powers of certain officers of court, &c. to administer oaths.

2. Every person who, being an officer of or performing duties in relation to any court, is for the time being so authorised by a judge of the court, or by or in pursuance of any rules or orders regulating the procedure of the court, and every person directed to take an examination in any cause or matter in the Supreme Court, shall have authority to administer any oath or take any affidavit required for any purpose connected with his duties.

Taking of oaths out of England.

3.—(1.) Any oath or affidavit required for the purpose of any court or matter in England, or for the purpose of the registration of any instrument in any part of the United Kingdom, may be taken or made in any place out of England before any person having authority to administer an oath in that place.

(2.) In the case of a person having such authority otherwise than by the law of a foreign country, judicial and official notice shall be taken of his seal or signature affixed, impressed, or subscribed to or on any such oath or affidavit.

Appointment of persons to administer oaths for prize proceedings.

4. The Lord Chancellor may, whenever it appears to him necessary to do so, authorise any person to administer oaths and take affidavits for any purpose relating to prize proceedings in the Supreme Court, whilst that person is on the high seas or out of Her Majesty's dominions, and it shall not be necessary to affix any stamp to the document by which he is so authorised.

Jurat to state where and when oath is taken.

5. Every commissioner before whom any oath or affidavit is taken or made under this Act shall state truly in the jurat or attestation at what place and on what date the oath or affidavit is taken or made.

Powers as to oaths and notarial acts abroad.

6.—(1.) Every British ambassador, envoy, minister, chargé d'affaires, and secretary of embassy or legation exercising his functions in any foreign country, and every British consul-general, consul, vice-consul, acting consul, pro-consul, and consular agent exercising his functions in any foreign place may, in that country or place, administer any oath and take any affidavit, and also do any notarial act which any notary public can do within the United Kingdom; and every oath, affidavit, and notarial act administered, sworn, or done by or before any such person shall be as effectual as if duly administered, sworn, or done by or before any lawful authority in any part of the United Kingdom.

(2.) Any document purporting to have affixed, impressed, or subscribed thereon or thereto the seal and signature of any person authorised by this section to administer an oath in testimony of any oath, affidavit, or act being administered, taken, or done by or before him, shall be admitted in evidence without proof of the seal or signature being the seal or signature of that person, or of the official character of that person.

Perjury.

7. Whoever wilfully and corruptly swears falsely in any oath or affidavit taken or made in accordance with the provisions of this Act, shall be guilty of perjury in every case where if he had so sworn in a judicial proceeding before a court of competent jurisdiction he would be guilty of perjury.

Forgery.

8. Whoever forges, counterfeits, or fraudulently alters the seal or signature of any person authorised by or under this Act to administer an oath, or tenders in evidence, or otherwise uses, any affidavit having any seal or signature so forged or counterfeited or fraudulently altered, knowing the same to be forged, counterfeited, or fraudulently altered, shall be guilty of felony, and liable on conviction to penal servitude for any term not exceeding seven years and not less than five years, or to imprisonment with or without hard labour for any term not exceeding two years.

Trial of offences.

9. Any offence under this Act, whether committed within or without Her Majesty's dominions, may be inquired of, dealt with, tried, and punished in any county or place in the United Kingdom in which the person charged with the offence was apprehended or is in custody, and for all purposes incidental to or consequential on the trial or punishment the offence shall be deemed to have been committed in that county or place.

Impounding of documents.

10. Where any offence under this Act is alleged to have been committed with respect to any affidavit, a judge of any court before which the affidavit is produced may order the affidavit to be impounded and kept in such custody and for such time and on such conditions as he thinks fit.

Definitions.

11. In this Act, unless the context otherwise requires,—
"Oath" includes affirmation and declaration:
"Affidavit" includes affirmation, statutory or other declaration, acknowledgment, examination, and attestation or protestation of honour:
"Swear" includes affirm, declare, and protest:
"Supreme Court" means the Supreme Court of Judicature in England.

Repeal.

12. The enactments specified in the schedule to this Act are hereby repealed to the extent specified in that schedule.

Provided that this repeal shall not affect—
(*a.*) anything done or suffered under any enactment repealed by this Act; nor
(*b.*) any appointment made under or authority given by or in pursuance of any enactment so repealed; nor
(*c.*) any punishment incurred or to be incurred in respect of any offence committed before the commencement of this Act against any enactment so repealed; nor
(*d.*) any legal proceeding for enforcing any such punishment;
and any such legal proceeding may be instituted or continued and any such punishment may be imposed as if this Act had not been passed.

Commissions issued before commencement of Act.

13. A commissioner authorised before the commencement of this Act to administer oaths in the Supreme Court shall be deemed to be a commissioner for oaths within the meaning of this Act.

Commencement.

14. This Act shall commence and come into operation on the first day of January one thousand eight hundred and ninety.

Short title.

15. This Act may be cited as the Commissioners for Oaths Act, 1889.

SCHEDULE.

A description or citation of a portion of an Act is inclusive of the words, sections, or other parts, first and last mentioned, or otherwise referred to as forming the beginning, or as forming the end respectively, of the portion comprised in the description or citation.

Session and Chapter.	Title.	Extent of Repeal.
16 & 17 Chas. 2. c. 9.	An Act to empower the Chancellor of the duchy to grant commissions for taking affidavits within the duchy liberty.	The whole Act.
17 Geo. 2. c. 7. -	An Act for taking and swearing affidavits to be made use of in any of the courts of the county palatine of Lancaster.	The whole Act.
4 Geo. 3. c. 21. -	An Act for taking and swearing affidavits to be made use of in any of the courts of the county palatine of Durham.	The whole Act.
6 Geo. 4. c. 87. -	An Act to regulate the payment of salaries and allowances to British consuls at foreign ports, and the disbursements at such ports for certain public purposes.	Section twenty.
3 & 4 Will. 4. c. 42. -	An Act for the further amendment of the law and the better advancement of justice.	Section forty-two.
4 & 5 Will. 4. c. 42. -	An Act to facilitate the taking of affidavits and affirmations in the court of the Vice Warden of the Stannaries of Cornwall.	The whole Act.
2 & 3 Vict. c. 58. -	An Act to make further provision for the administration of justice and for improving the practice and proceedings in the courts of the Stannaries of Cornwall.	Section six from "and that any "commissioner."
5 & 6 Vict. c. 103. -	An Act for abolishing certain offices of the High Court of Chancery in England.	Sections seven and eight.
6 & 7 Vict. c. 82. -	An Act the title of which begins with the words "An "Act for extending," and ends with the words "exa-"mination of witnesses."	Sections one to four.
11 & 12 Vict. c. 10. -	An Act for empowering certain officers of the High Court of Chancery to administer oaths and take declarations and affirmations.	The whole Act.
15 & 16 Vict. c. 76. -	The Common Law Procedure Act, 1852.	Section twenty-three.
15 & 16 Vict. c. 86. -	An Act to amend the practice and course of proceeding in the High Court of Chancery.	Sections twenty-two, twenty-three, and twenty-four.
16 & 17 Vict. c. 70. -	The Lunacy Regulation Act, 1853.	Section fifty-seven.

Session and Chapter.	Title.	Extent of Repeal.
16 & 17 Vict. c. 78. -	An Act relating to the appointment of persons to administer oaths in Chancery, and to affidavits made for purposes connected with registration.	The whole Act.
17 & 18 Vict. c. 78. -	The Admiralty Court Act, 1854.	Section six from "and any examiner" to the end of the section. Sections seven to eleven.
18 & 19 Vict. c. 42. -	An Act to enable British diplomatic and consular agents abroad to administer oaths and do notarial acts.	The whole Act.
18 & 19 Vict. c. 134.	An Act the title of which begins with the words "An "Act to make further pro-"vision," and ends with the words "leasing and sale "thereof."	Section fifteen.
20 & 21 Vict. c. 77. -	An Act to amend the law relating to probates and letters of administration in England.	Section twenty-seven to "Provided that" and from "and any "person who" to end of section.
21 & 22 Vict. c. 95. -	An Act to amend the Act of the twentieth and twenty-first Victoria, chapter seventy-seven.	Sections thirty to thirty-four.
21 & 22 Vict. c. 108.	An Act to amend the Act of the twentieth and twenty-first Victoria, chapter eighty-five.	Sections twenty to twenty-three.
22 Vict. c. 16. -	An Act the title of which begins with the words "An "Act to enable," and ends with the words "of the Ex-"chequer."	The whole Act except section five.
28 & 29 Vict. c. 104.	The Crown Suits, &c. Act, 1865.	Sections eighteen, nineteen, forty-three, and forty-four.
32 & 33 Vict. c. 38. -	The Bails Act, 1869 - -	The whole Act.
40 & 41 Vict. c. 25. -	The Solicitors Act, 1877 -	Section eighteen.

CHAPTER 11.

An Act to regulate the Sale of Horseflesh for Human Food. [24th June 1889.]

WHEREAS it is desirable to make regulations with respect to the sale of horseflesh for human food:

Be it therefore enacted by the Queen's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and

Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Signs on horseflesh shops.

1. No person shall sell, offer, expose, or keep for sale any horseflesh for human food, elsewhere than in a shop, stall, or place over or upon which there shall be at all times painted, posted, or placed in legible characters of not less than four inches in length, and in a conspicuous position, and so as to be visible throughout the whole time, whether by night or day, during which such horseflesh is being offered or exposed for sale, words indicating that horseflesh is sold there.

Horseflesh not to be sold as other meat.

2. No person shall supply horseflesh for human food to any purchaser who has asked to be supplied with some meat other than horseflesh, or with some compound article of food which is not ordinarily made of horseflesh.

Power of medical officer of health to inspect meat, &c.

3. Any medical officer of health or inspector of nuisances or other officer of a local authority acting on the instructions of such authority or appointed by such authority for the purposes of this Act may at all reasonable times inspect and examine any meat which he has reason to believe to be horseflesh, exposed for sale or deposited for the purpose of sale, or of preparation for sale, and intended for human food, in any place other than such shop, stall, or place as aforesaid, and if such meat appears to him to be horseflesh he may seize and carry away or cause to be seized and carried away the same, in order to have the same dealt with by a justice as herein-after provided.

Power of justice to grant warrant for search.

4. On complaint made on oath by a medical officer of health or inspector of nuisances, or other officer of a local authority, any justice may grant a warrant to any such officer to enter any building, or part of a building other than such shop, stall, or place as aforesaid, in which such officer has reason for believing that there is kept or concealed any horseflesh which is intended for sale, or for preparation for sale for human food, contrary to the provisions of this Act; and to search for, seize, and carry away or cause to be seized and carried away any meat that appears to such officer to be such horseflesh, in order to have the same dealt with by a justice as herein-after provided.

Any person who shall obstruct any such officer in the performance of his duty under this Act shall be deemed to have committed an offence under this Act.

Power of justice with reference to disposal of horseflesh.

5. If it appears to any justice that any meat seized under the foregoing provisions of this Act is such horseflesh as aforesaid, he may make such order with regard to the disposal thereof as he may think desirable; and the person in whose possession or on whose premises the meat was found shall be deemed to have committed an offence under this Act, unless he proves that such meat was not intended for human food contrary to the provisions of this Act.

Penalty.

6. Any person offending against any of the provisions of this Act, for every such offence shall be liable to a penalty not exceeding twenty pounds, to be recovered in a summary manner; and if any horseflesh is proved to have been exposed for sale to the public in any shop, stall, or eating-house other than such shop, stall, or place as in the first section mentioned, without anything to show that it was not intended for sale for human food, the onus of proving that it was not so intended shall rest upon the person exposing it for sale.

Definition of "horseflesh."

7. For the purposes of this Act "horseflesh" shall include the flesh of asses and mules, and shall mean horseflesh, cooked or uncooked, alone or accompanied by or mixed with any other substance.

Local authorities for purposes of Act.

8. For the purposes of this Act the local authorities shall be, in the City of London and the liberties thereof, the Commissioners of Sewers, and in the other parts of the county of London the vestries and district boards acting in the execution of the Metropolis Local Management Acts, and in other parts of England the urban and rural sanitary authorities, and in Ireland the urban and rural sanitary authorities under the Public Health (Ireland) Act, 1878.

41 & 42 Vict. c. 52.

Application to Scotland.

9. In the application of this Act to Scotland the expression "justice" shall include sheriff and sheriff substitute, and the expression "local authority" shall mean any local authority authorised to appoint a public analyst under the Sale of Food and Drugs Act, 1875, and the procedure for the enforcement of this Act shall be in the manner provided in the thirty-third section of the said Sale of Food and Drugs Act, 1875.

38 & 39 Vict. c. 63.

Short title.

10. This Act may be cited as the Sale of Horseflesh, &c. Regulation Act, 1889.

Commencement of Act.

11. This Act shall come into operation on the twenty-ninth day of September one thousand eight hundred and eighty-nine.

CHAPTER 12.

An Act to relieve the Courts of Assize from the Trial of Persons charged with Offences triable at Quarter Sessions. [24th June 1889.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Trial of persons charged with offences triable at quarter sessions.

1.—(1.) Whenever any person has been committed to gaol or admitted to bail by a justice or justices of the peace, in pursuance of section twenty-two or section twenty-five of the Act of the session of the eleventh and twelfth years of the reign of Her present Majesty, chapter forty-two, charged with an indictable offence triable at quarter sessions, the persons bound over to prosecute and give evidence shall be bound over to attend for that purpose at the next practicable court of quarter sessions having jurisdiction to try such person for such offence, unless such justice or justices for special reasons think fit otherwise to direct; and where the persons are so bound over, the person charged shall be tried at the said court of quarter sessions, and a court of oyer and terminer or general gaol delivery shall not be required to deliver such person from gaol unless the High Court of Justice shall by order direct that such person shall be indicted and tried at a court of oyer and terminer or general gaol delivery having jurisdiction to try him for such offence.

(2.) If such direction is given by the High Court, the Court shall cause to be given to the persons so bound over as aforesaid notice in writing to attend at the court of oyer and terminer or general gaol delivery at the time and place mentioned in the notice, and the recognizance binding over such persons shall have effect as if the court, time, and place mentioned in the notice were substituted for those mentioned in the recognizance.

Notice by justices to gaoler.

2. Every justice of the peace by whom a person is committed to gaol to await his trial for any offence triable at quarter sessions shall, by endorsement on the commitment or other notice in writing, inform the governor of such gaol whether the persons bound over to prosecute and give evidence at such trial are bound over to attend at a court of quarter sessions or at a court of oyer and terminer or general gaol delivery; and a court making under this Act an order for the trial of a prisoner at a court of oyer and terminer or general gaol delivery shall cause notice in writing of the order to be given to the governor of the gaol in which the prisoner is confined.

Proceedings for discharge of prisoner where he is not tried at the next quarter sessions.

3.—(1.) Where a prisoner has been committed to gaol on a charge for an indictable offence, and persons have been bound over to prosecute and give evidence at a court of quarter sessions for any county or place, and the prisoner is not tried at that court, then the next court of oyer and terminer or general gaol delivery having jurisdiction in such county or place shall, on his application (unless there are such special reasons to the contrary as are hereinafter mentioned), either cause him to be tried at that court, or discharge him from his imprisonment, and if there are such special reasons may admit him to bail.

(2.) If he is not so tried or discharged, and he is not tried before the holding of the then next subsequent court of oyer and terminer or gaol delivery having jurisdiction in such county or place, that court shall try him or discharge him from his imprisonment.

(3.) The said special reasons may be the removal of the indictment into another court, the impossibility of producing the witnesses for the prosecution at the said court of quarter sessions, or other special reasons for postponing the trial.

Exercise of jurisdiction.

4. The jurisdiction vested by this Act in the High Court may be exercised either in court or in chambers by any judge of the High Court.

The jurisdiction vested by this Act in a court of oyer and terminer or general gaol delivery may be exercised by any judge or commissioner of that court.

Not to affect certiorari, &c.

5. Nothing in this Act shall affect any existing right or power in the High Court of Justice, or any judge thereof, to remove by certiorari or otherwise any indictment found at any court of quarter sessions, or shall affect any existing right or power in any court of quarter sessions to remit any indictment found at such quarter sessions, for trial at a court of oyer and terminer or general gaol delivery.

Rules may be made by rule committee of judges.

6. Rules of court for the purpose of carrying into effect this Act may be made by the same persons, and laid before Parliament, and be subject to be annulled in like manner as rules of court for the purpose of the Supreme Court of Judicature Act, 1875, and the Acts amending the same.

Definitions.

7. In this Act, unless the context otherwise requires,—

The expression "High Court" means Her Majesty's High Court of Justice:

The expression "court of oyer and terminer or general gaol delivery" includes a court of assize and the Central Criminal Court:

The expression "court of quarter sessions" means the justices of a county, riding, division, or liberty in general or quarter sessions assembled, and includes the recorder of a borough:

The expression "gaol" includes house of correction.

Extent of Act.

8. This Act shall extend to England and Wales only.

Short title.

9. This Act may be cited as the Assizes Relief Act, 1889.

CHAPTER 13.

An Act to amend the Purchase of Land (Ireland) Act, 1885, and the Acts amending the same.

[24th June 1889.]

48 & 49 Vict. c. 73.

WHEREAS in some cases it is desirable to enable tenants about to purchase, under the Purchase of Land (Ireland) Act, 1885, and the Acts amending the same, to increase the size of their holdings by purchasing additional lands which are reasonable adjuncts to such holdings:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this Parliament assembled, and by the authority of the same, as follows:

Land Commission may advance money to tenants to purchase lands to increase the size of their holdings.

1. Where the sale of a holding is about to be made by a landlord to a tenant under the Purchase of Land (Ireland) Act, 1885, and the Acts amending the same, and such tenant is desirous of purchasing additional land which either adjoins such holding or is in the opinion of the Land Commission under the special circumstances of the case reasonably required for the suitable and convenient use and enjoyment of such holding, the Land Commission may, if it thinks fit, advance to the tenant, for the purpose of purchasing such additional land, the principal money, to be paid in like manner as if the purchaser had been tenant of such additional land at the time of the purchase and was about to purchase the same under the said Acts, and the provisions of the said Acts shall apply to the sale of additional land under this Act in like manner as if the purchaser had been the tenant of such land at the time of the purchase.

Provided always, that nothing in this Act contained shall authorise the making to any one tenant of a larger advance than that which the Land Commission is authorised to sanction to any one purchaser of land under the Purchase of Land (Ireland) Act, 1885, and the Acts amending the same.

Application of 48 & 49 Vict. c. 73. s. 6.

2. Where the vendor is a tenant for life, or a person having the power of a tenant for life within the meaning of those expressions as used in the Settled Land Act, 1882, such vendor shall have all the powers given to the landlord by section six of the Purchase of Land (Ireland) Act, 1885, and all the provisions of such section shall apply to the sale.

This section shall apply to the trustees of a settlement in the same manner as it applies to a tenant for life.

Additional land not to exceed 10 acres or 10*l.* a year Government value.

3. No advance shall be made by the Land Commission to any one purchaser for the purpose of purchasing over ten acres of land under this Act, unless in cases where the land purchased under this Act is valued under the Acts for the valuation of rateable land in Ireland at an annual sum not exceeding ten pounds.

Power to make rules.

4. Rules for carrying this Act into effect shall be deemed to be rules under the Land Law (Ireland) Act, 1881, and shall be made by the Land Commission, and forms and tables shall be made or adapted by the Land Commission for the purposes of this Act.

Construction of Acts.

5. The Purchase of Land (Ireland) Act, 1885, the Land Law (Ireland) Act, 1887, and the Purchase of Land (Ireland) Amendment Act, 1888, except so far as the same respectively are expressly altered or varied by this Act or are inconsistent therewith, and this Act, shall be construed together as one Act.

Short title.

6. This Act may be cited for all purposes as the Purchase of Land (Ireland) Amendment Act, 1889.

CHAPTER 14.

An Act to amend the provisions relating to Hackney Carriages of the Town Police Clauses Act, 1847.

[24th June 1889.]

10 & 11 Vict. c. 89.

WHEREAS it is expedient to amend the provisions with respect to hackney carriages of the Town Police Clauses Act, 1847, in this Act called the principal Act:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.
10 & 11 Vict. c. 89.

1. This Act may be cited as the Town Police Clauses Act, 1889, and this Act and the Town Police Clauses Act, 1847, may be cited together as the Town Police Clauses Acts, 1847 and 1889.

Construction of Act.

2.—(1.) This Act shall be construed as one with the principal Act, and the expression "this Act" in the principal Act shall be construed to mean the principal Act as amended by this Act.

38 & 39 Vict. c. 55.

(2.) This Act shall be deemed to be incorporated with the Public Health Act, 1875, by section one hundred and seventy-one of that Act.

Defining "omnibus."

[illegible] [illegible] a Tram
car in a Light Rail
York. Lin. El. Trams v
Ellis. 1905 1 KB 39

3. The term "omnibus," where used in this Act, shall include—

Every omnibus, char-à-banc, wagonette, brake, stage coach, and other carriage plying or standing for hire by or used to carry passengers at separate fares to, from, or in any part of the prescribed distance;

but shall not include—

33 & 34 Vict. c. 78.

Any tramcar or tram carriage duly licensed under the provisions of the Tramways Act, 1870, or of any Provisional Order made thereunder and confirmed by Parliament, or under the provisions of any local Act of Parliament:

Any carriage starting from and previously hired for the particular passengers thereby carried at any livery stable yard (within the prescribed distance) whereat horses are stabled and carriages let for hire, the said carriage starting from the said stable yard and being bonâ fide the property of the occupier thereof, and not standing or plying for hire within the prescribed distance:

Any omnibus belonging to or hired or used by any railway company for conveying passengers and their luggage to or from any railway station of that company, and not standing or plying for hire within the prescribed distance:

Any omnibus starting from outside the prescribed distance, and bringing passengers within the prescribed distance, and not standing or plying for hire within the prescribed distance.

Extending certain provisions of principal Act to omnibuses.

See Case noted
Supra.

4.—(1.) The several terms "hackney carriages," "hackney coach," "carriages," and "carriage," whenever used in sections thirty-seven, forty to fifty-two (both inclusive), fifty-four, fifty-eight, and sixty to sixty-seven (both inclusive) of the principal Act shall, notwithstanding anything contained in section thirty-eight of that Act, be deemed to include every omnibus.

(2.) The word "driver" or "drivers" when used in any of the said sections of the principal Act shall be deemed to include every conductor of any omnibus.

(3.) For the purposes of sections fifty-four, fifty-eight, and sixty-six of the principal Act, the fare, according to the statement of fares exhibited on any omnibus, shall be deemed to be the fare allowed by the principal Act or authorised by any byelaw under that Act.

Licences may be granted for short periods.

5. Any licence may be granted under the principal Act to continue in force for such less period than one year as the Commissioners may think fit, and shall specify in the licence.

Byelaws.

6. The Commissioners may from time to time make byelaws for all or any of the following purposes, that is to say:—

For regulating the conduct of the proprietors, drivers, and conductors of omnibuses plying within the prescribed distance in their several employments, and determining whether such drivers and conductors shall wear any and what badges:

For regulating the manner in which the number of each omnibus corresponding with the number of its licence shall be displayed:

For regulating the number of persons to be carried by such omnibus, and in what manner such number is to be shown thereon:

For regulating the number and securing the fitness of the animals to be allowed to draw an omnibus, and for the removal therefrom of unfit animals:

For securing the fitness of the omnibus and the harness of the animals drawing the same:

For fixing the stands for omnibuses and the points at which they may stop a longer time than is necessary for the taking up and setting down of passengers desirous of entering or leaving the same:

For securing the safe custody and redelivery of any property accidentally left in any omnibus, and fixing the charge to be made in respect thereof:

To provide for the carrying and the lighting of proper lamps for denoting the direction in which the omnibus is proceeding, and promoting the safety and convenience of the passengers carried thereby:

To provide for the exhibition on some conspicuous part of every omnibus of a statement in legible letters and figures of the fares to be demanded and received from the persons using or carried for hire in such omnibus:

To prevent within the prescribed distance—

(*a*) the owner, driver, or conductor of any omnibus, or any other person on their or his behalf, by touting, calling out, or otherwise, from importuning any person to use or to be carried for hire in such omnibus, to the annoyance of such person or of any other person;

(*b*) the blowing of or playing upon horns or other musical instruments, or the ringing of bells, by the driver or conductor of any omnibus, or by any person travelling on or using any such omnibus.

Provided that nothing in this Act contained shall empower the Commissioners to fix the site of the stand of any omnibus in any railway station, or in any yard adjoining or connected therewith, except with the consent of the railway company owning such site.

CHAPTER 15.

An Act to apply the sum of twenty-six million four hundred and seventy-three thousand nine hundred and forty-four pounds out of the Consolidated Fund to the service of the year ending on the thirty-first day of March one thousand eight hundred and ninety.

[5th July 1889.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal subjects, the Commons of the United Kingdom of Great Britain and Ireland, in Parliament assembled, towards making good the supply which we have cheerfully granted to Your Majesty in this session of Parliament, have resolved to grant unto Your Majesty the sum hereinafter mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Issue of 26,473,944*l.* out of the Consolidated Fund for the service of the year ending 31st March 1890.

1. The Commissioners of Her Majesty's Treasury for the time being may issue out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, and apply towards making good the supply granted to Her Majesty for the service of the year ending on the thirty-first day of March one thousand eight hundred and ninety the sum of twenty-six million four hundred and seventy-three thousand nine hundred and forty-four pounds.

Power to the Treasury to borrow.

2. The Commissioners of the Treasury may borrow from time to time on the credit of the said sum any sum or sums not exceeding in the whole the sum of twenty-six million four hundred and seventy-three thousand nine hundred and forty-four pounds, and shall repay the moneys so borrowed with interest not exceeding five pounds per centum per annum out of the growing produce of the Consolidated Fund at any period not later than the next succeeding quarter to that in which the said moneys were borrowed.

Any sums so borrowed shall be placed to the credit of the account of Her Majesty's Exchequer, and shall form part of the said Consolidated Fund, and be available in any manner in which such fund is available.

Short title.

3. This Act may be cited as the Consolidated Fund (No. 3) Act, 1889.

CHAPTER 16.

An Act to explain the Secretary for Scotland Act, 1887.

[5th July 1889.]

WHEREAS doubts have been entertained as to whether the functions of the Secretary of State for the War Department have been transferred to the Secretary for Scotland by virtue of

50 & 51 Vict. c. 52.

the Secretary for Scotland Act, 1887, and it is expedient to remove those doubts:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Secretary of State for War not affected by 50 & 51 Vict. c. 52.

1. Nothing in the Secretary for Scotland Act, 1887, shall affect or be deemed to have affected any powers, duties, or functions of any of Her Majesty's Principal Secretaries of State as Secretary of State for the War Department.

Short title.

2. This Act may be cited as the Secretary for Scotland Act, 1889, and this Act and the Secretary for Scotland Acts, 1885 and 1887, may be cited collectively as the Secretary for Scotland Acts, 1885 to 1889.

CHAPTER 17.

An Act to abolish any Duties on Coals leviable by the Corporation of London. [9th July 1889.]

Charter, 3rd James 1.

WHEREAS by a charter of His Majesty King James the First, dated the twentieth day of August, in the third year of his reign, after reciting that the mayor and commonalty and citizens of the City of London (herein-after referred to as the Corporation) from time immemorial had had and exercised the office of bailiff and the conservancy of the River Thames, and had received all the profits belonging to the office of bailiff, and also reciting that the Corporation had from time immemorial exercised the office of measurer of, amongst other things, all coals brought into the Port of London by the River Thames in any ship or vessel, or on every shore or wharf of the Thames, by deputies for the time being, and that the Corporation had received to their own use all profits belonging to the office of measurer, and reciting that the Corporation had for a short time previously been disturbed in their measurings and the office of measurer; His Majesty, in order to put an end to all controversy, by the now reciting charter confirmed all the fees and measurings aforesaid, and the profits belonging to them, and the uses and customs aforesaid, to the Corporation and their successors; and by the same charter His said Majesty granted to the Corporation the office of bailiff and the conservancy of the Thames; and further granted to the Corporation and their successors the office of measurer of, amongst other things, all coals which might be brought into the Port of London on the Thames in any ship or vessel, or which might be brought into any shore or wharf of the Thames from Staines Bridge to a place called Yentleete, otherwise Yantleet, near the sea, together with the right to receive all profits belonging to the said office of measurer:

Charter, 12th James 1.

And whereas by another charter of His said Majesty King James the First, dated the twelfth day of December, in the twelfth year of his reign, after reciting that it was manifest to His Majesty that the Corporation from time immemorial had had and exercised the office of measurer of all coals which were landed, conveyed, or brought into the port of the City of London upon the River Thames in any ship or vessel, and upon every shore or wharf of the Thames, yet nevertheless that a question had then very lately arisen whether the weighing of all coals brought into the port, together with the measuring of coals pertained to the said Corporation, His Majesty, to put an end to all controversy, and to the intent that the Corporation might have as well the weighing as the measuring, and all profit usual for the same, granted to the Corporation and their successors the weighing of all coals called stone coals, pit coals, earth coals, and all other coals of what kind, nature, and species whatsoever they were, landed, conveyed, or brought to the port of the City of London upon the Thames, and also all profits and advantages belonging to them; and by the same charter His said Majesty granted to the Corporation the office of weigher of all coals, and appointed the Corporation to be the weighers of all coals, and to execute the weighing of the same; and by the same charter, after reciting that a question had arisen respecting the amount of the fee demanded by the Corporation and by their officers for the weighing of every ton weight of coals, His said Majesty, to put an end to all questions of the kind, granted to the Corporation and their successors that they might demand the fee of eightpence for the weighing of every ton of coals in respect of the charges of the Corporation and their successors for scales, and for their attendants, labour, and other necessary costs and expenses expended for the purpose:

And whereas by an Act of Parliament passed in the fifth and sixth year of the reign of King William and Queen Mary, chapter ten, intituled "An Act for the relief of Orphans and other "Creditors of the City of London," after reciting that the Corporation were answerable for all moneys of the orphans of the city paid into the chamber of the city, but by reason of sundry accidents and public calamities had then become indebted to the orphans and other creditors in a much greater sum than they were able to pay unless assistance was given; it was enacted that the properties and revenues of the Corporation should be charged with the sum of money mentioned in the said Act as a perpetual fund for the payment of the amounts due to the orphans and creditors; and by the said Act it was provided that for a further increase of the said fund, for all coals or culm which should be imported into the port of the City of London or the River Thames within the liberty of the said city to be sold by the chaldron or ton there should be paid by way of imposition thereupon the sum of fourpence per chaldron metage for ever over and above what was then lawfully paid for the metage thereof, to be paid in like manner as the then present duty for metage was or had been accustomed to be paid, and that over and above all other impositions and duties, and the said last-mentioned sum of fourpence for all coals or culm so imported the further sum of sixpence for every chaldron, and for such coals as were sold by the ton the sum of sixpence per ton, 5 & 6 W. & M. c. 10.

which said imposition of sixpence should continue for a term of fifty years:

And whereas the said imposition of sixpence was continued from time to time by several Acts of Parliament:

10 Geo. 4. c. 136. And whereas by an Act passed in the tenth year of the reign of His Majesty King George the Fourth, chapter one hundred and thirty-six, after reciting that the capital debt due to the orphans of the City of London had been annihilated, and that the capital debt due to the other creditors and charged upon the fund created by the said Act of King William and Queen Mary was reduced to the sum therein mentioned, and that it was probable that if no further charge was made in the said fund the whole of the debt would be paid off by the fifth day of April one thousand eight hundred and thirty-two, it was enacted that the Corporation might improve the approaches to London Bridge; and that for the purpose of providing a fund for the purposes of the now reciting Act, the duty of sixpence a chaldron or ton imposed by the said Act of King William and Queen Mary should be continued until the fifth day of July one thousand eight hundred and fifty-eight; and that as soon as the said debt due on the said orphan fund had been paid off, the duty of fourpence metage imposed by the said last-mentioned Act should be appropriated to the fund created by the Act now in recital:

1 & 2 Will. 4. c. 76. And whereas by an Act of Parliament passed in the first and second years of the reign of His Majesty King William the Fourth, chapter seventy-six, intituled "An Act for regulating the vend and "delivery of coals in the cities of London and Westminster, and in "certain parts of the counties of Middlesex, Surrey, Kent, Sussex, "Hertford, Bucks, and Berks," (herein-after referred to as the Coal Duties Act, 1831,) after reciting (section sixty) the charters of third James the First and twelfth James the First and the Act of Parliament fifth and sixth William and Mary herein-before recited, and reciting that the duty of sixpence had been continued from time to time and would expire on the fifth day of July one thousand eight hundred and fifty-eight, and that the duty of fourpence and the duty of sixpence were both charged with money raised for defraying the expenses of public works, and reciting that it was expedient for the purposes of the now reciting Act that the Corporation should not at the then present time exercise any right or privilege of weighing or measuring coals, culm, or cinders, to which under or by virtue of any Acts of Parliament or charter, or by prescription or otherwise, they might be entitled during the term therein-after mentioned, and that one rate or duty should be paid to the Corporation in lieu of all rates and duties payable to them with respect to all coals, culm, and cinders; it was enacted that, during the term of seven years from the thirty-first day of December one thousand eight hundred and thirty-one, the Lord Mayor of the said City of London, and the said mayor, commonalty, and citizens should not exercise any right of measuring or weighing coals, or any other rights with respect to coals to which he or they was, were, or might be entitled by prescription, or by the said charters and Act of Parliament, or otherwise, and that the rate or duty of twelve

pence for every ton of coals, culm, and cinders imported or brought into the Port of London should be collected; and it was provided that fourpence per ton, part thereof, should be applied in the same manner as the sum in the charters mentioned to be payable for metage would be applicable, and that the sum of eightpence for every ton residue thereof should be applied in the same manner as the duties of fourpence per chaldron and sixpence per chaldron or ton, made payable by the said Act of Parliament of King William and Queen Mary, would be applicable:

And whereas by the said Coal Duties Act, 1831 (section sixty-one), it was provided that at the end of the term of seven years the Lord Mayor of the said City of London, and the said mayor, commonalty, and citizens should be entitled to resume all rights of weighing and measuring coals, and all other rights and privileges in respect thereof to which he or they was, were, or might be entitled, and to demand and take the metage, impositions, duties, rates, or sums, and all other privileges and advantages to which he or they was, were, or might be entitled at the time of the passing of the said Act as fully as if the said Act had not been passed, and that the interruption in the exercise of any right or in the receipt of any fees or duties to which he or they might be entitled by prescription or otherwise during such time as the payments directed by the said Act to be made in lieu thereof should be received should not be deemed in law a waiver or discontinuance of any such right, fees, or duties, but that the same should be in full force and might be enforced and recovered and might be claimed in the same manner as if they had been exercised and received during the time in which the exercise and receipt thereof respectively should have been suspended, interrupted, or varied by virtue of the said Act, and that the said Lord Mayor and the said mayor, commonalty, and citizens might continue to prescribe for any such rights, fees, and duties as if he or they had continued in the exercise of such right, and in receipt of such fees and duties, notwithstanding the non-user thereof, in pursuance of the said Act or of any other Act of Parliament for the weighing of coals and payment of the sums provided for the same in lieu of the said metage fees and duties:

And whereas by an Act of Parliament passed in the first and second years of the reign of Her present Majesty, chapter one hundred and one, intituled "An Act to extend for seven years an "Act for regulating the vend and delivery of coals in London and "Westminster, and in certain parts of the adjacent counties," after reciting that the term of seven years provided by the Coal Duties Act, 1831, would expire on the thirty-first day of December one thousand eight hundred and thirty-eight, it was provided that the Coal Duties Act, 1831, should be continued for the further term of seven years from the thirty-first day of December one thousand eight hundred and thirty-eight; and that all the provisions, regulations, clauses, matters, and things in the said Act contained to take effect at the end of the term of seven years therein mentioned, or at any other time, should take effect in the 1 & 2 Vict. c. 101.

same manner as if the term of fourteen years had been inserted in the Coal Duties Act, 1831, instead of the term of seven years:

8 & 9 Vict. c. 101.

And whereas by an Act of Parliament passed in the eighth and ninth years of the reign of Her present Majesty, chapter one hundred and one, intituled "An Act to continue until fifth day "of July one thousand eight hundred and sixty-two the Acts for "regulating the vend and delivery of coals in London and "Westminster, and in certain parts of the adjacent counties, and to "alter and amend the said Acts," after reciting the Coal Duties Act, 1831, and the Coal Duties Act, 1838, and reciting that the extended term of seven years would expire on the thirty-first day of December one thousand eight hundred and forty-five, it was enacted that the Coal Duties Act, 1831, and the Coal Duties Act, 1838, should be continued until the fifth day of July one thousand eight hundred and sixty-two, and that all the provisions, regulations, clauses, matters, and things in the Coal Duties Act, 1831, contained to take effect at the end of the term of seven years therein mentioned, or at any other time, should take effect in the same manner as if the fifth day of July one thousand eight hundred and sixty-two had been inserted in the Coal Duties Act, 1831, instead of the term of seven years:

24 & 25 Vict. c. 42.

And whereas by an Act of Parliament passed in the twenty-fourth and twenty-fifth years of the reign of Her present Majesty, chapter forty-two, intituled "An Act to continue the duties levied "on coal and wine by the Corporation of London," after reciting that by the Acts of Parliament herein-before recited, and which are therein collectively referred to as the "Coal Duties Acts," the two several duties of one penny and twelve pence were authorised to be levied, and reciting that it was apprehended that the duty of eightpence, part of the duty of twelve pence, would expire in the year one thousand eight hundred and sixty-one, and that the duty of one penny would expire in July one thousand eight hundred and sixty-two unless continued by Parliament, and that it was expedient that the duties of twelve pence and one penny should continue for ten years; it was provided that all duties authorised by the "Coal Duties Acts" should be levied in the same manner as they were then leviable until fifth day of July one thousand eight hundred and seventy-two; and it was also provided that the Coal Duties Acts should be continued until fifth day of July one thousand eight hundred and seventy-two, and that all the provisions contained in the Coal Duties Act, 1831, to take effect at the end of seven years mentioned in that Act should take effect as if the fifth day of July one thousand eight hundred and seventy-two had been inserted in the Act instead of the term of seven years:

26 & 27 Vict. c. 46.

And whereas by an Act of Parliament passed in the twenty-sixth and twenty-seventh years of the reign of Her present Majesty, chapter forty-six, intituled "An Act for further continuing and "appropriating the London Coal and Wine Duties," after reciting various intended metropolitan improvements, and reciting that it was apprehended that the proceeds of the coal and wine duties, as continued by the herein-before recited Act of 1861 would be insufficient for all the proposed purposes, and that it was therefore expedient to continue them until the fifth day of July one thousand eight hundred and eighty-two, it was enacted that all duties by the said Act of 1861 continued until the fifth day of July one thousand eight hundred and seventy-two, and all Acts relating thereto, should be continued until the fifth day of July one thousand eight hundred and eighty-two, and that the said Act of 1861 should be read as if the fifth day of July one thousand eight hundred and eighty-two had been substituted throughout the said Act for the fifth day of July one thousand eight hundred and seventy-two:

31 Vict. c. 17.

And whereas by an Act of Parliament passed in the thirty-first year of the reign of Her present Majesty, chapter seventeen, intituled "An Act to further continue and appropriate the London "Coal and Wine Duties," it is enacted that all duties by the said Act of 1861, continued until the fifth day of July one thousand eight hundred and seventy-two, and by the herein-before recited Act of 1863 continued until the fifth day of July one thousand eight hundred and eighty-two, should be further continued until the fifth day of July one thousand eight hundred eighty-nine, and that all Acts relating thereto should be continued until that date, and that the said Act of 1861 should be read as if the fifth day of July one thousand eight hundred and eighty-nine had been substituted throughout for the fifth day of July one thousand eight hundred and seventy-two:

And whereas it is expedient that, subject to the provisions of this Act, all duties at any time heretofore levied by the Corporation on coals, culm, or cinders shall cease:

And whereas by an Act entitled the Kew and other Bridges Act, 1869, and an Act entitled the Kew and other Bridges Act, 1869, (Amendment) Act, 1874, provision was made for the freeing of certain bridges therein named, and for raising certain funds in that behalf on the security of the coal duties as therein mentioned:

And whereas after discharging the pecuniary obligation imposed by the said Acts a certain surplus will remain:

And whereas Parliament has reserved to itself by the thirty-first Victoria, chapter seventeen, section five, the right of dealing with such surplus as it shall direct:

And whereas by an Act passed in the fourteenth and fifteenth years of the reign of Her present Majesty, chapter one hundred and forty-six, entitled the Coal Duties (London and Westminster and adjacent Counties) Act, 1851, the Corporation were to retain one penny per ton out of the drawback allowance for the purposes in the said Act expressed:

And whereas there now remains in the hands of the Chamberlain of London a surplus of fifty-nine thousand and ninety-seven pounds or thereabouts out of such drawback allowance:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Repeal of power of Lord Mayor's

1. From and after the fifth day of July one thousand eight hundred and eighty-nine, the Lord Mayor of the City of London, present rights with respect to coals.

and the mayor, commonalty, and citizens of the said city shall not at any time exercise any right of measuring or weighing coals or any other rights with respect to coals to which he or they is, are, or may be entitled by prescription or by any charters and Acts of Parliament, or otherwise, or to demand, collect, receive, or take any metage, impositions, duties, rates, or sums in respect of any coals, culm, or cinders imported or brought into the Port of London or brought within the limits of the metropolitan police district as defined by Act of Parliament, including the Cities of London and Westminster, by any mode of conveyance:

Provided always, that the duty of fourpence per ton on coals, culm, and cinders continued to the said Corporation, under the style of the Mayor, aldermen, and commons of the city of London, by section two of the before-recited Act of 1868 shall continue until the fifth day of July one thousand eight hundred and ninety, but shall be applied by the said Corporation towards discharging the moneys borrowed and now remaining unpaid in respect of the completion of the Holborn Valley improvements, particularly referred to in the said section. Provided also that the statutory provisions with respect to collection, returns, certificates, accounts, and drawback contained in or continued by the said Act in regard to the duties therein mentioned shall apply to the duty hereby continued, except that the allowance of drawback shall be limited to the sum of fourpence per ton. And provided also that an account of the receipt and application of the said duty shall be kept separate and distinct from the accounts of the said Corporation, and that an abstract of the said accuont be yearly laid by the Chamberlain of the City of London before both Houses of Parliament.

Application of surplus.

2. Any surplus or sums that may remain after discharging the pecuniary obligations imposed by any of the above-recited Acts, viz.: the Kew and other Bridges Act, 1869, and the Kew and other Bridges, 1869, (Amendment) Act, 1874, and any surplus accrued or accruing from the one penny per ton drawback allowance under the above-recited Act, intituled the Coal Duties Act, 1851, shall be applicable and be applied by the Corporation in discharging as far as may be the capital sum now due and owing by the said Corporation on the said Holborn Viaduct improvement and approaches.

Short title.

3. This Act may be cited as the London Coal Duties Abolition Act, 1889.

CHAPTER 18.

An Act to suppress Indecent Advertisements.

[26th July 1889.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited as the Indecent Advertisements Act, 1889.

Short title.

2. This Act shall come into operation on the first day of January one thousand eight hundred and ninety.

Commencement of Act.

3. Whoever affixes to or inscribes on any house, building, wall, hoarding, gate, fence, pillar, post, board, tree, or any other thing whatsoever so as to be visible to a person being in or passing along any street, public highway, or footpath, and whoever affixes to or inscribes on any public urinal, or delivers or attempts to deliver, or exhibits, to any inhabitant or to any person being in or passing along any street, public highway, or footpath, or throws down the area of any house, or exhibits to public view in the window of any house or shop, any picture or printed or written matter which is of an indecent or obscene nature, shall, on summary conviction in manner provided by the Summary Jurisdiction Acts, be liable to a penalty not exceeding forty shillings, or, in the discretion of the Court, to imprisonment for any term not exceeding one month, with or without hard labour.

Summary proceedings against persons affixing, &c. indecent or obscene pictures or printed or written matter.

4. Whoever gives or delivers to any other person any such pictures, or printed or written matter mentioned in section three of this Act, with the intent that the same, or some one or more thereof, should be affixed, inscribed, delivered, or exhibited as therein mentioned, shall, on conviction in manner provided by the Summary Jurisdiction Acts, be liable to a penalty not exceeding five pounds, or, in the discretion of the Court, to imprisonment for any term not exceeding three months, with or without hard labour.

Summary proceedings against persons sending others to do the acts punishable under s. 3.

5. Any advertisement relating to syphilis, gonorrhœa, nervous debility, or other complaint or infirmity arising from or relating to sexual intercourse, shall be deemed to be printed or written matter of an indecent nature within the meaning of section three of this Act, if such advertisement is affixed to or inscribed on any house, building, wall, hoarding, gate, fence, pillar, post, board, tree, or other thing whatsoever, so as to be visible to a person being in or passing along any street, public highway, or footpath, or is affixed to or inscribed on any public urinal, or is delivered or attempted to be delivered to any person being in or passing along any street, public highway, or footpath.

Certain advertisements declared indecent.

6. Any constable or other peace officer may arrest without warrant any person whom he shall find committing any offence against this Act.

Constable may arrest on view of offence.

7. In this Act the expression "Summary Jurisdiction Acts"—

Interpretation.

In England means the Summary Jurisdiction (English) Acts within the meaning of the Summary Jurisdiction Act, 1879;

42 & 43 Vict. c. 49.

In Scotland means the Summary Jurisdiction (Scotland) Acts, 1864 and 1881, and any Acts amending the same; and

27 & 28 Vict. c. 53.
44 & 45 Vict. c. 33.

In Ireland means within the police district of Dublin metropolis the Acts regulating the powers and duties of justices of the

14 & 15 Vict. c. 93.

peace for such district or of the police of such district, and elsewhere in Ireland the Petty Sessions (Ireland) Act, 1851, and any Act amending the same.

CHAPTER 19.

An Act to extend the Time for the Preparation of the Registers of County Electors in England and Wales.

[26th July 1889.]

WHEREAS it is provided by the Registration of Electors Acts, 1843 to 1888, that the county registers, that is to say, the registers of the names of county electors and burgesses, shall be completed on or before the twentieth day of October in each year, and shall come into operation on the first day of November following:

And whereas it is expedient to make temporary provision for extending the time allowed for the preparation and printing of such registers:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Alteration of dates for completing registers of county electors in 1889 and 1890.

1.—(1.) In each of the years one thousand eight hundred and eighty-nine and one thousand eight hundred and ninety, notwithstanding anything in the Registration of Electors Acts, 1843 to 1888, contained, the revision of the lists of parliamentary voters and county electors may be later than the twelfth day of October, so that it be not later than the twentieth day of October, and every county register shall be completed on or before the thirtieth day of November, and shall come into operation on the first day of January following, and shall continue in operation until the next county register comes into operation.

45 & 46 Vict. c. 50.

(2.) Sub-section two of section forty-five of the Municipal Corporations Act, 1882, shall not apply to any register of county electors completed in either of the said years.

(3.) Provided that nothing in this Act shall alter the dates for the completion and coming into operation of the burgess roll for any municipal borough; and any new burgess roll for a borough, which comes into operation on the first day of November in either of the said years, shall be substituted in the then current county register for so much of that register as consists of the burgess roll for that borough.

Short title and construction.

2. This Act may be cited as the Registration of County Electors (Extension of Time) Act, 1889, and shall be construed as one with the Registration of Electors Acts, 1843 to 1888.

CHAPTER 20.

An Act to amend the Agricultural Holdings (Scotland) Act, 1883. [26th July 1889.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited as the Agricultural Holdings (Scotland) Act, 1889, and shall be read as part of the Agricultural Holdings (Scotland) Act, 1883, herein-after called the principal Act.

Short title and construction. 46 & 47 Vict. c. 62.

2. Section nine of the principal Act is hereby repealed, and in place thereof it is enacted as follows:

Repeal of 46 & 47 Vict. c. 62. s. 9. Appointment of referee.

> "Where there is a reference under this Act, unless the parties otherwise agree, as herein-after provided, a single referee shall be appointed as follows:—
>
> (1.) A single referee shall, if the parties concur, be appointed by them jointly; and in any other case by the sheriff as herein-after provided:
>
> (2.) If before an award is pronounced the referee dies or becomes incapable of acting, or for seven days after notice from the parties of his appointment he fails to accept the reference or to act, the proceedings shall begin afresh as if no referee had been appointed:
>
> (3.) If at the determination of the tenancy the parties shall not have appointed a referee, then, on the application of either party, the sheriff shall within fourteen days appoint a competent and impartial person to be referee:
>
> (4.) Every appointment and notice under this section shall be in writing."

3. If a single referee shall find it impossible or inconvenient to have his award ready for delivery within twenty-eight days after his appointment, as required by section fifteen of the principal Act, the sheriff may, on the application of the referee or of either party, grant an extension of time, so that the referee shall pronounce his award and have the same ready for delivery within a time not exceeding in the whole forty-nine days after his appointment as aforesaid; and, failing his doing so, his powers as referee shall cease and determine, and thereupon the proceedings shall begin afresh as if no referee had been appointed.

Amendment of 46 & 47 Vict. c. 62. s. 15.

4. (1.) If the parties concur, each may appoint a referee, and the referees so appointed may appoint an oversman.

Appointment of two referees and oversman.

(2.) If before an award is pronounced one of two referees dies or becomes incapable of acting, or for seven days after notice of his appointment from the party appointing him, fails to accept the reference or to act, the party appointing him may appoint another referee.

(3.) If before an award is pronounced an oversman dies or becomes incapable of acting, the referees may appoint another oversman.

Sheriff may act though not within county.

5. The powers of the sheriff under this Act shall be exerciseable by him, although he may not be at the time within the county.

Repeal.

6. Section ten of the principal Act is hereby repealed.

CHAPTER 21.

An Act for amending the Law relating to Weights and Measures, and for other purposes connected therewith.
[26th July 1889.]

41 & 42 Vict. c. 49.

WHEREAS it is expedient to amend the Weights and Measures Act, 1878 (herein-after referred to as the principal Act), and the law relating to the sale of coal:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

PART I.

Weights and Measures.

Verification of weighing instruments.

1.—(1.) Every weighing instrument used for trade shall be verified and stamped by an inspector of weights and measures with a stamp of verification under this Act.

(2.) Every person who, after the expiration of twelve months from the commencement of this Act, uses, or has in his possession for use, for trade any weighing instrument not stamped as required by this Act, shall be liable to a fine not exceeding two pounds, or in the case of a second offence five pounds.

(3.) The power of making byelaws conferred by section fifty-three of the principal Act shall extend to the making of byelaws for giving effect to this section.

(4.) Section thirty-two of the principal Act shall apply to weighing instruments in like manner as it applies to weights and measures.

Local verification of metric weights and measures.

2. The Board of Trade may, if they think fit, at the expense of the local authority, deposit with any inspector of weights and measures copies of any of the metric standards in their custody, and cause to be verified with any copy so deposited any metric weights and measures which can under section thirty-eight of the principal Act be compared with the metric standards in their custody.

Amendment of 41 & 42 Vict. c. 49. ss. 25 and 26.

3. The fine for a second or a subsequent offence under section twenty-five or section twenty-six of the principal Act shall be a sum not exceeding twenty pounds, and the provisions of the said section twenty-six with respect to forfeiture shall apply to weighing instruments in like manner as they apply to weights, measures, scales, balances, and steelyards.

Liability to imprisonment in cases of fraud.

4. Where a person is convicted under any section of the principal Act or this Act of a second or subsequent offence, and the court by which he is convicted is of opinion that such offence was committed with intent to defraud, he shall be liable, in addition to or in lieu of any fine, to be imprisoned with or without hard labour for a term not exceeding two months.

Repeal of 41 & 42 Vict. c. 49. ss. 16, 46.

5. The following sections of the principal Act are hereby repealed:
- (*a.*) Section sixteen, relating to the measure of capacity for goods formerly sold by heaped measure;
- (*b.*) Section forty-six, giving power to stamp measures made partly of metal and partly of glass.

New denominations of standards.

6. The Board of Trade shall from time to time cause such new denominations of standards for the measurement of electricity, temperature, pressure, or gravities as appear to them to be required for use for trade to be made and duly verified, and those new denominations of standards when approved by Her Majesty in Council shall, whether derived from imperial or from other standards, be Board of Trade standards, in like manner as if they were mentioned in the Second Schedule to the principal Act.

Working standards.

7. Any local authority may provide for the use of their officers working standards of measure and weight, and scale-beams of such material and in such form as the Board of Trade may approve, and those standards may, if verified in such manner as the Board of Trade from time to time direct, be used for the inspection and verification of weights and measures as if they were local standards.

Power for Board of Trade to take fees.

8.—(1.) The Board of Trade may, on the comparison and verification of weights and measures, not being standards for the use of a local authority or their officers, and not being coin weights, and on the examination or testing of weighing or measuring instruments, charge and take such fees as may from time to time be approved by the Treasury.

(2.) The fees taken under this section may be applied in such manner and to such extent as the Treasury may from time to time direct in aid of money provided by Parliament for expenses of the Board of Trade under this Act, and if and as far as not so applied shall be paid into the Exchequer.

General regulations.

9.—(1.) Every local authority within the meaning of this Act, and every other person or authority having power to appoint inspectors of weights and measures, shall, with the approval of the Board of Trade, make for the guidance of the inspectors appointed or employed by that authority or person, and may from time to time with the like approval amend or rescind general regulations with respect to—
- (*a.*) the procedure to be observed in the verification and stamping of weights, measures, and weighing and measuring instruments, including the prohibition of stamping in cases where the

material or mode of construction appears likely to facilitate the commission of fraud; and

(*b*.) the inspection of weights, measures, and weighing and measuring instruments.

(2.) If any such authority or person, on being required by the Board of Trade to make, amend, or rescind any general regulations in pursuance of this section fails to comply with the requirement, the Board of Trade may make, amend, or rescind such regulations, and any regulations so made or amended shall have effect as if made by that authority or person.

(3.) All regulations made under this section shall be duly observed and kept published in such manner as the Board of Trade from time to time shall direct.

Provision as to local inquiries.

10.—(1.) The Board of Trade may from time to time appoint an officer to hold a local inquiry with respect to the administration of the law relating to weights and measures within the jurisdiction of any local authority.

(2.) The appointment may be made either on the application of the local authority or without such application, but with the concurrence of the Treasury.

(3.) The officer so appointed shall visit the office of the local inspector of weights and measures, and shall, among other things, inquire into the procedure observed in the verification and inspection of weights, measures, and weighing instruments within that jurisdiction; and, on the completion of the local inquiry, shall report to the Board of Trade and to the local authority on the condition and equipment of the office visited, and on the mode in which the law relating to weights and measures is being carried out within the jurisdiction of that authority.

(4.) Where the appointment is made on the application of a local authority, the costs incurred in relation to the inquiry, including the remuneration of any officer engaged in the inquiry, not exceeding three guineas a day, shall be paid by the local authority applying for or assenting to the inquiry, and the Board of Trade may certify the amount of the costs incurred, and any sum so certified and directed by the Board to be paid by any local authority shall be a debt to the Crown from that authority.

(5.) Where the appointment is made otherwise than on the application of the local authority, the costs incurred in relation to the inquiry, including the remuneration aforesaid, shall be paid out of moneys provided by Parliament.

Qualification of inspectors of weights and measures.

11.—(1.) The Board of Trade shall provide for the holding of examinations for the purpose of ascertaining whether persons acting or appointed to act as inspectors of weights and measures possess sufficient practical knowledge for the proper performance of their duties as such, and for the grant of certificates to persons who satisfactorily pass such examinations.

(2.) In the case of persons who have been appointed inspectors before the commencement of this Act, the passing of an examination under this section shall be permissive, but not obligatory; but a person who, after the commencement of this Act, is for the first time appointed to be an inspector of weights and measures, shall not act as such unless and until he has obtained such a certificate as aforesaid.

(3.) There shall be charged in respect of the examinations under this section such fees as the Board of Trade, with the concurrence of the Treasury, from time to time direct, and all such fees shall be applied in such manner and to such extent as the Treasury from time to time direct, in aid of money provided by Parliament for expenses of the Board of Trade under this Act, and if and as far as not so applied shall be paid into the Exchequer.

Inspector not to be maker, seller, or adjuster of weights, measures, or weighing instruments.

12.—(1.) An inspector of weights and measures shall not, during the time he holds office, be a person deriving any profit from or employed in the making, adjusting, or selling of weights, measures, or measuring or weighing instruments:

(2.) Provided that in any district where, on the representation of the local authority, it appears to be desirable for an inspector of weights and measures to be allowed to adjust weights and measures, the Board of Trade may, if they think fit, authorise an inspector appointed by that local authority to act as an adjuster of weights and measures.

(3.) An inspector so authorised may for any such adjustment make such charges as the local authority approve, and shall account for and pay any money received by him in respect of such charges in such manner as the local authority direct.

Fees for verification and stamping by inspectors.

Cty Council may not remit fees. K. v Roberts 1901, W.N. 87 2 KB 117.

13.—(1.) An inspector of weights and measures may take in respect of the verification and stamping of weights, measures, and weighing instruments the fees specified in the First Schedule to this Act, and no others,# and no discount shall be allowed, and such inspector shall at such times, not less often than once a quarter, as the local authority direct, account for and pay over to the local authority, or as they direct, all fees so taken.

(2.) If the Board of Trade represent to Her Majesty that it would be expedient to fix fees to be paid on the verification and stamping of weights, measures, or weighing instruments, in cases other than those specified in the said schedule, it shall be lawful for Her Majesty, by Order in Council, from time to time to direct such fees to be paid.

Publication of convictions.

14. Where a person is convicted before any court of any offence under the principal Act or this Act, the court may, if it thinks fit, cause the conviction to be published in such manner as it thinks desirable.

Application of 41 & 42 Vict. c. 49. s. 66 to gas standards.

15. The provisions of the principal Act and of this Act as to the verification and re-verification of local and working standards shall apply to the standards used by any local authority in testing meters under the Act of the Session held in the twenty-second and twenty-third years of the reign of Her present Majesty, chapter sixty-six, intituled "An Act for regulating measures used in sales of gas," and the Acts amending the same.

Powers to London

16. Notwithstanding anything in section fifty-four of the principal Act, and any other provision in that or any other Act, the

County Council to exercise jurisdiction throughout the county.

inspectors of weights and measures appointed by the London County Council shall alone within the whole of the county of London, exclusive of the city of London, have the powers and discharge the duties of inspectors of weights and measures appointed under the principal Act; provided that any inspector of weights and measures who, at the passing of this Act, though not an officer of the county council, holds office in any parish or place in the county of London, exclusive of the city of London, shall become an officer of that council, and if removed from such appointment by the London County Council he shall be entitled to be regarded as an existing officer under the Local Government Act, 1888, and to receive such compensation as existing officers whose offices are affected are under that Act entitled to receive.

51 & 52 Vict. c. 41.

Provision as to city of London.

17. Notwithstanding anything in section sixty-seven or sixty-eight of the principal Act, a person using weights or measures in the city of London shall not be required to have his weights or measures verified or stamped by more than one authority.

Provision of copies of local standards in Ireland.

18. The copies required to be provided by the local authority in Ireland of their local standards, and the scales and stamps used by inspectors of weights and measures in Ireland, shall be of such material and in such form as the Board of Trade may approve.

Amendment of 41 & 42 Vict. c. 49. as to inspectors in Ireland.

19.—(1.) Notwithstanding anything in the principal Act, the Township Commissioners shall have power to appoint and shall appoint inspectors of weights and measures in each of the townships in Ireland mentioned in the Second Schedule to this Act, in lieu of the ex-officio inspectors under section eighty-one of the principal Act; and in each of the different areas of the said townships, for the purposes of the principal Act and this Act, "the local rate" shall mean the rate to be levied by the Township Commissioners, or, if the township is liable to county cess and no rate is levied in the township, the county cess of the county of Dublin.

(2.) Notwithstanding anything in the same section of the principal Act, the provisions of the principal Act and of this Act concerning the taking of fees by inspectors of weights and measures shall apply to the ex-officio inspectors in Ireland, and the fees taken by those inspectors elsewhere than in the Dublin Metropolitan police district shall be applied for the benefit of the Royal Irish Constabulary in such manner as the Lord Lieutenant, with the assent of the Treasury, may direct, subject, however, to a deduction of such amount as the Treasury may from time to time sanction for expenses incurred by the Board of Trade in execution of their duties in Ireland under the principal Act and this Act.

(3.) Whereas the rank of acting inspector in the Dublin Metropolitan police force has been abolished, therefore in the same section of the principal Act a reference to sergeants of the Dublin Metropolitan police force shall be substituted for the reference to acting inspectors.

PART II.

Sale of Coal.

Coal to be sold by weight.

20.—(1.) All coal shall be sold by weight only, except where by the written consent of the purchaser it is sold by boat load or by waggons or tubs delivered from the colliery into the works of the purchaser.

(2.) If any person sells coal otherwise than is required by this section he shall be liable to a fine not exceeding five pounds for every such sale.

Weight ticket or note on delivery of coal over two hundred-weight.

*Edwards v Pearce 1899 1 QB. 449

21.—(1.) Where any quantity of coal exceeding two hundred-weight is delivered by means of any vehicle to a purchaser, the seller of the coal shall therewith deliver, or cause to be delivered, or to be sent by post or otherwise, to the purchaser or to his servant, before any part of the coal is unloaded,* a ticket or note according to the form in the Third Schedule to this Act, or according to a form to the like effect.

ticket [illegible] KB. 293.

(2.) If default is made in complying with the requirements of this section with respect to the delivery or sending of a ticket or note, or if the quantity of coal delivered is less than the quantity expressed in the ticket or note, the seller of the coal shall be liable to a fine not exceeding five pounds.

(3.) If any person attending on any such vehicle, having received any such ticket or note for delivery to the purchaser, refuses or neglects to deliver it as required by this section, or, on being requested so to do, to exhibit it to any inspector of weights and measures, or other officer appointed for the purpose by the local authority, he shall be liable to a fine not exceeding five pounds.

Tare weight of vehicle where coal sold in bulk.

22.—(1.) Where any quantity of coal exceeding two hundred-weight is conveyed for delivery on sale in a vehicle in bulk,* the seller of the coal shall, unless the vehicle is provided by the purchaser, cause the weight of the vehicle, as well as of the coal contained therein, to be previously ascertained by a weighing instrument stamped by the inspector of weights and measures, and being on or near to the place from which the coal is brought, and shall from time to time cause the tare weight of the vehicle to be marked thereon in such manner as the local authority approve.

(2.) In any such case the seller of the coal shall insert or cause to be inserted in the ticket required by this Act to be given by him a statement of the correct weight of the vehicle, or of the vehicle and of the animal drawing it where both are weighed together with the load, as well as of the correct weight* of the coal contained in the vehicle.* The "correct weight" as ascertained at the place [illegible]

(3.) If any person fails to comply with the requirements of this section, he shall be liable to a fine not exceeding five pounds.

[illegible]

Frauds by drivers of coal carts.

23. If the person in charge of any vehicle in which coal is being carried wilfully makes any false statement as to the tare weight of the vehicle, or wilfully does any act by which either the seller or the purchaser of the coal is defrauded, he shall be liable to a fine not exceeding five pounds.

Penalty on deficiency in weight of coal on small sales.

24. If any person on the sale of coal in any quantity not exceeding two hundredweight fraudulently delivers to the purchaser a less quantity of coal than is agreed to be sold, he shall be liable to a fine not exceeding five pounds.

Weighing instrument to be kept in place where coal sold by retail.

25.—(1.) Where coal is sold by retail for delivery at the place where it is kept for sale and there is not at or near such place any weighing instrument stamped by an inspector of weights and measures at which the coal can be weighed, the seller shall keep at that place a weighing instrument stamped as aforesaid, and shall, if so required by any purchaser, or by any inspector of weights and measures, or by any other officer appointed for the purpose by the local authority, weigh any coal before the sale or delivery thereof.

(2.) If any person fails to comply with the requirements of this section he shall be liable to a fine not exceeding for a first offence two pounds, and for any subsequent offence five pounds.

Erection and maintenance of weighing instruments.

26.—(1.) The local authority may erect and maintain fixed weighing instruments at convenient places for the purpose of weighing coal, and may provide, furnish, and maintain portable weighing instruments for the same purpose, and may appoint proper persons to keep and attend any such instruments.

(2.) If the keeper of any such fixed weighing instrument refuses, without reasonable excuse, to weigh or re-weigh any vehicle or coal, or so weighs any vehicle or coal as wilfully to defraud either the seller or the purchaser of coal, he shall be liable to a fine not exceeding five pounds.

Power to require weighment of coal or vehicle.

27.—(1.) Any seller or purchaser of coal, person in charge of a vehicle in which coal is carried, inspector of weights and measures, or other officer appointed for the purpose by the local authority, may require that any coal or any vehicle used for the carriage of coal in bulk be weighed or re-weighed by any weighing instrument stamped by an inspector of weights and measures.

Provided as follows:

(*a*.) No seller of coal or person in charge of a vehicle in which coal is carried shall be required under this section to carry coal beyond such distance, not exceeding half a mile, as may be prescribed in that behalf by the local authority:

(*b*.) Where any such coal or vehicle has at the instance of the purchaser been weighed or re-weighed in pursuance of this section, and found to be of the weight stated in that behalf by the seller of the coal or the person in charge of the vehicle, the purchaser shall be liable to the payment of all reasonable costs actually incurred of and incidental to the weighing or re-weighing.

(2.) If any person obstructs any weighing or re-weighing authorised by this section he shall be liable to a fine not exceeding five pounds.

Power to make byelaws with respect to the sale of coal.

28.—(1.) Any local authority may from time to time make, revoke, and alter byelaws,

(*a*.) regulating for the purposes of this Act the sale of coal in quantities not exceeding two hundredweight; and,

This justifies byelaws requiring regn of all vendors in books of inspector of W & M.
Ward v Franklin 19

[illegible] coal from carts – [illegible] weighing machine
for the purpose of weighing any quantity of coal not exceeding 2 cwt": where there are [illegible]
sacks on cart, the byelaw is not satisfied by a ½ cwt weight alone being carried.
Crick v Nicholls, 1905 1 KB 541

Byelaw empowering fine on those [illegible] in sec 29 to refuse coal to be reweighed – bad. Atty v Farrell 1896 WN 44: 1 QB 636

(*b.*) requiring, either generally or in specified classes of cases, a weighing instrument, of a form approved by the local authority, to be carried with any vehicle in which coal is carried for sale or delivery to a purchaser; and

Kent C.C. v Humphrey 1895: WN. 82. 1 QB. 903.

(*c.*) prescribing the distance beyond which coal is not to be required to be carried for the purpose of being weighed or reweighed in pursuance of this Act; and

(*d.*) fixing the fees to be paid for the use of any weighing instrument maintained by the local authority;

and may by such byelaws impose fines, recoverable summarily, and not exceeding in each case five pounds, for the breach of any such byelaw.

(2.) Every byelaw made under this section shall, before being brought into operation, be approved by the Board of Trade and be published in such manner as the local authority think sufficient for giving notice thereof to all persons interested, and a copy of every such byelaw shall be sent by the local authority to the Board of Trade.

Power to weigh coal in shop or vehicle.

29.—(1.) Any inspector of weights and measures or officer appointed for the purpose by the local authority may, at all reasonable times, enter any building or part of a building or other place in which coal is sold or kept or exposed for sale, and may stop any vehicle carrying coal for sale or for delivery to a purchaser, and may test any weights and weighing instruments found in any such place or vehicle, and may weigh any load, sack, or other less quantity of coal, found in any such place or vehicle, or which is in course of delivery to any purchaser.

(2.) If it appears to a court of summary jurisdiction that any load, sack, or less quantity so weighed is of less weight than that represented by the seller, the person selling or keeping or exposing the coal for sale, or the person in charge of the vehicle,* as the case may be, shall be liable to a fine not exceeding five pounds.

* but if "innocent" carman – ignorant of weights in sacks & who had nothing to do with the loading. Peel v Hargreaves 1905 2 KB 289.

(3.) Any person who obstructs or hinders any inspector acting under this section shall be liable to a fine not exceeding five, or, in the case of a second or subsequent offence ten, pounds.

Power to make local exemptions.

30. Her Majesty the Queen may, from time to time, on the application of the local authority for any area, and on being satisfied that the provisions made by or under any local Act in force at the commencement of this Act, with respect to the sale of coal in that area are more stringent than the corresponding provisions of this Act, by Order in Council exempt that area from the provisions of this Part of this Act to such extent, and under such conditions, as may appear to Her Majesty in Council expedient.

Extent.

31. This Part of this Act, except the provision requiring coal to be sold by weight only, shall not extend to Scotland.

PART III.

Bread.

Explanation of law as to bakers.

32. Nothing in the enactments referred to in the Fourth Schedule to this Act shall render any baker or seller of bread, or the journeyman, servant, or other person employed by such baker or seller of bread, liable to any forfeiture or penalty for refusing to weigh in the presence of the purchaser any bread conveyed or carried out in any cart or other carriage, unless he is requested so to do by or on behalf of the purchaser.

PART IV.

Supplemental.

Saving for liabilities otherwise than under Act.

33.—(1.) No proceeding or conviction for any offence punishable under this Act shall affect any civil remedy to which any person aggrieved by the offence may be entitled.

(2.) This Act shall not exempt any person from any indictment or other proceeding for an offence which is punishable at common law or under some Act of Parliament other than this Act, so that no person be punished twice for the same offence.

(3.) Where proceedings are taken before any court against any person in respect of any offence punishable under this Act, and the offence is also punishable at common law or under some Act of Parliament other than this Act, the court may direct that, instead of those proceedings being continued, proceedings shall be taken against that person at common law or under some Act of Parliament other than this Act.

Construction of Act.

34. This Act and the principal Act shall be construed together as one Act.

Definitions.

35. In this Act, unless the context otherwise requires,—

"Weighing instrument" includes scales, with the weights belonging thereto, scale-beams, balances, spring-balances, steelyards, weighing machines, and other instruments for weighing;

"Measuring instrument" includes any instrument for the measurement of length, capacity, volume, temperature, pressure, or gravity, or for the measurement and determination of electrical quantities:

"Vehicle" means any carriage, cart, waggon, truck, barrow, or other means of carrying coal by land, in whatever manner the same may be drawn or propelled, but does not include a railway truck or waggon:

"Inspector" means an inspector under the principal Act:

Other expressions have the same meaning as in the principal Act: Provided that the expression "local authority" shall, in its application to England, be construed subject to the provisions of the Local Government Act, 1888, and the expression "weighing machine" in the principal Act shall include any weighing instrument as defined by this Act.

51 & 52 Vict. c. 41.

Repeal.

36.—(1.) The enactments specified in the Fifth Schedule to this Act are hereby repealed to the extent mentioned in the third column of that schedule.

(2.) The repeal of any enactment by this Act shall not affect—

(*a*) the past operation of any enactment so repealed, or anything duly done or suffered under any enactment so repealed; or (*b*) any right or liability acquired or incurred under any enactment so repealed; or

(*c*) any penalty, forfeiture, or punishment incurred in respect of any offence committed against any enactment so repealed; or

(*d*) any power, legal proceeding, or remedy in respect of any such right, liability, penalty, forfeiture, or punishment as aforesaid; and any such power, legal proceeding, and remedy may be exercised and carried on as if this Act had not passed.

Commencement.

37. This Act shall come into operation on the first day of January one thousand eight hundred and ninety, which date is in this Act referred to as the commencement of this Act:

Provided as follows:

(*a.*) At any time after the passing of this Act any appointment, byelaw, or regulation may be made, and any other thing may be done, which appears to a local authority to be necessary or proper for the purpose of bringing this Act into operation at the commencement thereof;

(*b.*) In Ireland, where a grand jury is the local authority, so much of this Act as concerns the powers and duties of the local authority and the consequences of the exercise of such powers and duties shall come into operation on the first day of May one thousand eight hundred and ninety.

Saving for corporation of Dublin.

38. Nothing in this Act, or the principal Act, shall be held to affect any right or privilege conferred upon the lord mayor, aldermen, and burgesses of Dublin by charter or statute.

Short titles.

39. This Act may be cited as the Weights and Measures Act, 1889; and the principal Act and this Act may be cited together as the Weights and Measures Acts, 1878 and 1889.

FIRST SCHEDULE.

Section 13.

Fees to be taken on the verification and stamping of Weights, Measures, and Weighing Instruments by Inspectors of Local Authorities.

Weights.

	s.	*d.*
Avoirdupois:		
Each weight of 100 lb. (cental) - - - -	0	4
„ „ „ 56 lb. and 28 lb. - - - -	0	3
„ „ „ 14 lb. and 7 lb. - - - -	0	2
„ „ from 4 lb. to 1 lb., inclusive - - -	0	1
„ „ „ 8 oz. to ½ dram, inclusive - - -	0	0½
„ „ „ 4,000 grains to $\frac{1}{100}$th of a grain, inclusive -	0	0½
„ „ „ 240 to 24 grains, inclusive, commonly called pennyweights - - - -	0	0½
Troy:		
Each weight from 500 oz. to 100 oz., inclusive - -	0	4
„ „ „ 50 oz. to 10 oz., inclusive - -	0	2
„ „ „ 5 oz. to $\frac{1}{1000}$th of an oz., inclusive -	0	1
Apothecaries:		
Each weight from 10 oz. to 1 oz., inclusive - - -	0	2
„ „ „ 4 drachms to ½ grain, inclusive - -	0	1

Measures.

	s.	d.
Length:		
Each measure from 100 feet to 7 feet, inclusive - -	0	3
„ „ „ 6 feet to 4 feet inclusive - -	0	2
„ „ of a yard, 2 feet, foot, and inch respectively, including their sub-divisions - -	0	1
Measures from 0·500 to 0·001 inch, in the form of wire-gauge plates:		
For each notch, or for each internal gauge or separate size, from half an inch to $\frac{1}{1000}$th of an inch - -	0	0¼
Capacity:		
Dry and liquid measures:		
Each measure of 4 bushels (32 gallons) and 1 bushel (8 gallons) - - - - -	0	6
„ „ from 5 gallons to 2 gallons (peck), inclusive -	0	3
„ „ „ 1 gallon to a ¼ gill, inclusive - -	0	1
Apothecaries:		
Each subdivided measure containing not more than twelve subdivisions - - -	0	1
„ „ „ containing more than twelve subdivisions but not more than fifteen	0	1¼
„ „ „ containing more than fifteen subdivisions but not more than eighteen - - - -	0	1½
„ „ „ containing more than eighteen subdivisions but not more than twenty-one - - -	0	1¾
„ „ „ containing more than twenty-one subdivisions but not more than twenty-four - - -	0	2
„ „ „ containing more than twenty-four subdivisions but not more than thirty - - - -	0	2½
„ „ „ containing more than thirty subdivisions but not more than thirty-six - - -	0	3
„ „ „ containing more than thirty-six subdivisions but not more than forty-two - - -	0	3½
„ „ „ containing more than forty-two subdivisions but not more than fifty -	0	4
„ „ „ containing more than fifty subdivisions but not more than one hundred - - -	0	6
„ „ „ containing more than one hundred subdivisions but not more than one hundred and fifty - -	0	9
„ „ „ containing more than one hundred and fifty - - -	1	0
Each separate measure from 40 fluid oz. to 10 fluid oz. inclusive - - -	0	2
„ „ „ „ 10 fluid oz. - - -	0	0½

Weighing Instruments.

	s.	d.
For 10 tons and above	10	0
For under 10 tons and above 1 ton	5	0
For 1 ton and above 5 cwt.	2	0
For 5 cwt. and above 1 cwt.	1	6
For 1 cwt. and above 56 lbs.	1	0
exclusive of cost of cartage and lifting of standards in each of the above cases.		
For 56 lb. and above 14 lb.	0	6
For 14 lbs. and above 1 lb.	0	3
For 1 lb. or under	0	2

SECOND SCHEDULE.

Section 19.

Townships in Ireland for which Inspectors of Weights and Measures are to be appointed.

Blackrock.
Dalkey.
Kilmainham, New.
Kingstown.
Pembroke.
Rathmines and Rathgar.

THIRD SCHEDULE.

Section 21.

Weight Ticket or Consignment Note on delivery of Coal over Two Hundredweight.

Mr. *A.B.* [*here insert the name of the buyer*].
Take notice that you are to receive herewith tons cwt. lbs. of coal.
[*When sold in sacks, add*]
in sacks, each containing cwt.
[*When sold in bulk, add*]

	tons.	cwts.	lbs.
Weight of coal and vehicle			
Tare weight of vehicle			
Net weight of coal herewith delivered to purchaser			

C.D. [*here insert the name of the seller*].†

E.F. [*here insert the name of the person in charge of the vehicle*].

† name under which he trades (fancy name of co) – sufficient Cameron v [illegible] [illegible] 2 QB 94

Where coal is delivered by means of a vehicle the seller must deliver or send by post or otherwise to the purchaser or his servant, before any part of the coal is unloaded, a ticket or note in this form.

Any seller of coal who delivers a less quantity than is stated in this ticket or note is liable to a fine.

Any person attending on a vehicle used for the delivery of coal who, having received a ticket or note for delivery to the purchaser, refuses or neglects to deliver it to the purchaser or his servant, is liable to a fine.

Section 32.

FOURTH SCHEDULE.

Session and Chapter.	Title.	Enactments referred to.
3 Geo. 4. c. cvi. -	An Act to repeal the Acts now in force relating to bread to be sold in the city of London and the liberties thereof, and within the weekly bills of mortality, and ten miles of the Royal Exchange; and to provide other regulations for the making and sale of bread, and preventing the adulteration of meal, flour, and bread, within the limits aforesaid.	Section nine.
6 & 7 Will. 4. c. 37.	An Act to repeal the several Acts now in force relating to bread to be sold out of the city of London and the liberties thereof, and beyond the weekly bills of mortality, and ten miles of the Royal Exchange; and to provide other regulations for the making and sale of bread, and for preventing the adulteration of meal, flour, and bread, beyond the limits aforesaid.	Section seven.

Section 36.

FIFTH SCHEDULE.

Enactments Repealed.

Session and Chapter.	Short title.	Extent of Repeal.
41 & 42 Vict. c. 49.-	The Weights and Measures Act, 1878.	Section sixteen. Section forty-three, from "A "maker or seller of weights" to "measures under this "Act." Section forty-six. Section forty-seven. Section eighty-six, so far as it re-enacts section nine of the Weights and Measures Act, 1835. The Fifth Schedule.

CHAPTER 22.

An Act to amend the Friendly Societies Acts.

[26th July 1889.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Exemption from provisions of s. 30 of 38 & 39 Vict. c. 60. in certain cases.

1. Where any friendly society, by reason of its being constituted so as to receive contributions by means of collectors at a greater distance than ten miles from its registered office, is subject to the provisions of section thirty of the Friendly Societies Act, 1875, herein-after called the principal Act, the Chief Registrar of Friendly Societies, on the application of the society, may, with the approval in each case of the Lords Commissioners of the Treasury, grant to such society a certificate of exemption from the provisions of the said section of the principal Act in any case in which he is of opinion that the society is not one to which the provisions of section thirty of the principal Act ought to apply, and he may grant such certificate whether the society applying for the same has been registered before or subsequent to the passing of this Act. Such certificate shall be subject to revocation by the Chief Registrar, with the approval in each case of the Lords Commissioners of the Treasury, but shall remain in force until so revoked, and until notice of such revocation shall have been advertised in the "London Gazette" and in some newspaper in general circulation in the county in which the registered office is situate, and also transmitted by a registered letter to the society at such registered office; and so long as the certificate is in force the society shall be subject to all the provisions and entitled to all the privileges of the Friendly Societies Acts, as if it were a society within the definitions of section eight of the principal Act not receiving contributions by means of collectors at a greater distance than ten miles from the registered office.

Repeal of 51 & 52 Vict. c. 66.

2. The Friendly Societies Act, 1888, is hereby repealed, but this repeal shall not affect any right acquired or act done under that Act.

Construction and short title.

3. This Act shall be construed as one with the Friendly Societies Acts, and may be cited together with them as the Friendly Societies Acts, and may be cited separately as the Friendly Societies Act, 1889.

CHAPTER 23.

An Act to amend the Herring Fishery (Scotland) Acts; and for other purposes relating thereto.

[26th July 1889.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited as the Herring Fishery (Scotland) Act, 1889.

Extent of Act.

2. This Act extends only to Scotland, and to the parts of the sea adjoining Scotland.

Definition. 45 & 46 Vict. c. 78.

3. In this Act "Herring Fishery (Scotland) Acts" means the Herring Fishery Acts enumerated in Schedule I. to the Fishery Board (Scotland) Act, 1882, and includes any enactments amending those Acts or any of them.

Use of cran or quarter cran measure.

4. Any person buying, selling, delivering, or receiving fresh herrings in the Scotch herring fishery shall be entitled to use for the purpose thereof the measure known as the cran, or a quarter cran measure, being a measure of such capacity that four times its content, when filled with herrings, shall be equal to one cran; and such measure shall be made of wood, or of such other material as the Fishery Board for Scotland shall direct, and shall be made and branded or otherwise marked in accordance with any regulations for the time being in force of the Fishery Board for Scotland, which regulations that Board are hereby authorised to make, and from time to time to alter and revoke as they see fit.

These measures made, branded, or otherwise marked in all respects in conformity with the regulations for the time being in force of the said Board, shall be the only legal measures for use in buying, selling, delivering, or receiving fresh herrings in the Scotch herring fishery; and any person using any box, basket, or other measure not so made, branded, or otherwise marked shall be liable, on conviction under the Summary Jurisdiction (Scotland) Acts, to a fine not exceeding five pounds for the first offence, and not exceeding twenty pounds for the second or any subsequent offence; and also to the forfeiture of the measure or measures, which may be seized and destroyed or otherwise disposed of by any superintendent of the herring fishery or other officer employed in the execution of the Herring Fishery (Scotland) Acts: Provided always, that nothing in this Act contained shall prevent the sale of herrings by weight or number or in bulk.

Daylight fishing and Sunday fishing prohibited on West Coast.

5. It shall not be lawful to set or shoot any herring net on any day between sunrise and one hour before sunset on any day between the first day of June and the first day of October, nor between sunrise on Saturday morning and one hour before sunset on Monday evening, on the West Coasts of Scotland between the

Points of Ardnamurchan on the north and the Mull of Galloway on the south.

Any person acting in contravention of this section shall be liable, on conviction under the Summary Jurisdiction (Scotland) Acts, to a fine not exceeding for the first offence five pounds, and for the second or any subsequent offence twenty pounds; and every net set, or attempted to be set, in contravention of this section shall be forfeited, and may be seized and destroyed or otherwise disposed of by any superintendent of the herring fishery or other officer employed in the execution of the Herring Fishery (Scotland) Acts.

Beam and otter trawling within certain limits prohibited.

6.—(1.) It shall not be lawful to use the method of fishing known as beam trawling or otter trawling within three miles of low-water mark of any part of the coast of Scotland, nor within the waters specified in the schedule hereto annexed, save only between such points on the coast or within such other defined areas as may from time to time be permitted by byelaws of the Fishery Board for Scotland, and subject to any conditions or regulations made by those byelaws. Provided that this section shall not apply to the Solway Firth nor to the Pentland Firth; and provided also, that nothing herein contained shall affect the powers of the Fishery Board under section four of the Sea Fisheries (Scotland) Amendment Act, 1885.

48 & 49 Vict. c. 70.

(2.) The Fishery Board may from time to time make, alter, and revoke byelaws for the purposes of this section, but a byelaw shall not be of any validity until it is confirmed by the Secretary for Scotland.

(3.) Any person who uses any method of fishing in contravention of this enactment or of any byelaw of the Fishery Board, shall be liable, on conviction under the Summary Jurisdiction (Scotland) Acts, to a fine not exceeding five pounds for the first offence, and not exceeding twenty pounds for the second or any subsequent offence; and every net set, or attempted to be set, in contravention of this section shall be forfeited, and may be seized and destroyed or otherwise disposed of by any superintendent of the herring fishery or other officers employed in the execution of the Herring Fishery (Scotland) Acts.

Power to prohibit beam and otter trawling in certain localities.

7.—(1.) The Fishery Board may, by byelaw or byelaws, direct that the methods of fishing known as beam trawling and otter trawling shall not be used within a line drawn from Duncansby Head, in Caithness, to Rattray Point, in Aberdeenshire, in any area or areas to be defined in such byelaw, and may from time to time make, alter, and revoke byelaws for the purposes of this section, but no such byelaw shall be of any validity until it has been confirmed by the Secretary for Scotland.

(2.) Any person who uses any such method of fishing in contravention of any such byelaw shall be liable, on conviction under the Summary Jurisdiction (Scotland) Acts, to a fine not exceeding five pounds for the first offence, and not exceeding twenty pounds for the second or any subsequent offence; and every net set, or attempted to be set, in contravention of any such byelaw may be seized and destroyed or otherwise disposed of as in the sixth section of this Act mentioned.

Fish illegally caught not to be landed or sold.

8. It shall not be lawful to land or to sell in Scotland any fish caught in contravention of this Act, or of any byelaw made thereunder, and all superintendents and other officers employed in the execution of the Herring Fishery (Scotland) Acts are hereby empowered and required to prevent the landing or sale of any fish so caught.

SCHEDULE.

Wigtown Bay, within a line drawn from Great Ross Point, near Little Ross Lighthouse, on the east to Isle of Whithorn on the west.

Luce Bay, within a line drawn from a point near Port William on the east to Killyness Point, near Drummore, on the west.

Loch-in-dail, within a line drawn from Rudha na Cathair (Mull of Oe) on the south to the Rhynns, near Rhynns of Islay Lighthouse, on the north.

Loch Snizort, within a line drawn from Vatternish Point on the west to Dunlea on the east.

Broad Bay, within a line drawn from Tolsta Head on the north to Tiumpan Head on the south.

Stornoway Bay, within a line drawn from Kebock Head on the south to Bayble Head on the north.

Thurso Bay, within a line drawn from Brimsness on the west to Dunnet Head on the east.

Sinclair Bay, within a line drawn from Noss Head on the south to Duncansby Head on the north.

Scapa Bay, within a line drawn from St. Mary's Point on the east to Houton Heads on the west.

St. Magnus Bay, within a line drawn from Esha Ness on the north to a point near Sandness on the south.

The waters inside a line drawn from Corsewall Point, in the county of Wigtown, to the Mull of Cantyre, in the county of Argyll.

The waters inside a line from Port Askadel, near Ardnamurchan Point, on the west to Ru-Cisteach, near Arasaig, on the east.

The waters inside a line from Ru-geur, Slate Point, on the south to a point near Ru-an-dunan on the north.

The waters inside a line from Ru-na-uag, Loch Torridon, on the south to a point at Long Island, Gareloch, on the north.

The waters outside Loch Tarbert, Harris, from Toe Head on the south to Camus-Huisnish on the north.

East and west Loch Roag, from Gallon Head on the west to Coul Point on the east.

The waters inside a line from Greenstone Point on the west to a point near Meal-Sgreaton, Ru-Cooygach, on the east.

The waters inside a line from Ru-Stoer on the west to a point at Scourie Bay on the east.

Dornoch Firth,
Fraserburgh Bay,
Montrose Bay,
Moray Firth (upper parts of),
Aberdeen Bay,
Saint Andrew's Bay,
Firth of Forth.

All as specified in the existing byelaws of the Fishery Board.

* * *

CHAPTER 24.

An Act to repeal certain Statutes, relating to Master and Servants in particular Manufactures, which have ceased to be put in force or have become unnecessary by the enactment of subsequent Statutes. [26th July 1889.]

WHEREAS certain statutes relating to master and servant in particular manufactures have, partly by reason of changes in the methods of manufacture and in the conditions of employment, and partly by reason of improvements in the general law, either ceased to be put in force or become unnecessary, and it is expedient with a view to the revision of the statute law, and particularly to the improvement of the revised edition of the statutes, to expressly and specifically repeal the same:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited as the Master and Servant Act, 1889.

Enactments in schedule repealed.

2. The enactments described in the schedule to this Act are hereby repealed:

Saving.

Provided that where any enactment not comprised in the schedule has been repealed, confirmed, revived, or perpetuated by any enactment hereby repealed, such repeal, confirmation, revivor, or perpetuation shall not be affected by the repeal effected by this Act:

and the repeal by this Act of any enactment shall not affect any enactment in which such enactment has been applied, incorporated, or referred to:

and this Act shall not affect the validity, invalidity, effect, or consequences of anything already done or suffered,—or any existing status or capacity,—or any right, title, obligation, or liability already acquired, accrued, or incurred, or any remedy or proceeding in respect thereof,—or any release or discharge of or from any debt, penalty, obligation, liability, claim, or demand,—or any indemnity,—or the proof of any past act or thing:

and this Act shall not extend to repeal any enactment so far as the same may be in force in any part of Her Majesty's dominions out of the United Kingdom.

SCHEDULE.

ENACTMENTS which have been already REPEALED are in some instances INCLUDED in this SCHEDULE, in order to avoid the necessity of reference to PREVIOUS STATUTES.

Session and Chapter.	Title of Act.
*1 Ann. stat. 2. c. 22.	An Act for the more effectual preventing the Abuses and Frauds of persons employed in the working up the Woollen, Linen, Fustian, Cotton, and Iron Manufactures of this Kingdom.
2 Geo. 1. c. 17. - Irish.	An Act to empower Justices of the Peace to determine disputes about Servants, Artificers, Day Labourers, Wages, and other small Demands, and to oblige Masters to pay the same, and to punish Idle and Disorderly Servants. in part; namely, sections two, nine, and sixteen.
9 Geo. 1. c. 27. -	An Act for preventing Journeymen Shoemakers selling, exchanging, or pawning Boots, Shoes, Slippers, Cut Leather, or other Materials for making Boots, Shoes, or Slippers, and for better regulating the said Journeymen.
12 Geo. 1. c. 34.	An Act to prevent unlawful Combinations of Workmen imployed in the Woollen Manufactures, and for better Payment of their Wages.
13 Geo. 1. c. 26.	An Act for better Regulation of the Linen and Hempen Manufactures in that Part of Great Britain called Scotland. in part; namely, except section eighteen.
13 Geo. 2. c. 8. -	An Act to explain and amend an Act made in the First Year of the Reign of Her late Majesty Queen Anne, intituled "An Act for the more effectual preventing "the Abuses and Frauds of Persons employed in the "working up the Woollen, Linen, Fustian, Cotton, and "Iron Manufactures of this Kingdom;" and for extending the said Act to the Manufactures of Leather.
15 Geo. 2. c. 27.	An Act for the more effectual preventing any Cloth or Woollen Goods remaining upon the Rack or Tenters, or any Woollen Yarn or wooll left out to dry, from being stolen or taken away in the Night-time.
25 Geo. 2. c. 8. - Irish.	An Act for the better adjusting and more easy recovery of the Wages of certain Servants, and for the better regulation of such Servants and of certain Apprentices; and for the punishment of all such Owners of Coal and their Agents as shall knowingly employ and set at Work Persons retained in the service of other Coal-owners; and also that Mutual Debts between Party and Party be set one against the other. in part; namely, sections two and seven.
27 Geo. 2. c. 7. -	An Act for the more effectual preventing of Frauds and Abuses committed by persons employed in the Manufacture of Clocks and Watches.

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* These references are to the Statutes Revised.

Session and Chapter.	Title of Act.
29 Geo. 2. c. 12. Irish.	An Act to prevent unlawful combinations of Tenants, Colliers, Miners, and others; and the sending of threatening Letters without Names, or with Fictitious Names subscribed thereto; and the malicious destruction of Carriages; and for the more effectual Punishment of wicked Persons who shall maliciously set fire to Houses or Out-houses, or to Stacks of Hay, Corn, Straw, or Turf, or to Ships or Boats. in part; namely, sections nine, ten, eleven, and twelve.
30 Geo. 2. c. 12.	An Act to amend an Act made in the Twenty-ninth year of the Reign of His present Majesty, intituled "An "Act to render more effectual an Act passed in the "Twelfth Year of the Reign of His late Majesty King "George, to prevent unlawful Combinations of Work"men employed in the Woollen Manufactures, and "for better Payment of their Wages; and also an Act "passed in the Thirteenth year of the Reign of His "said late Majesty, for the better Regulation of the "Woollen Manufacture, and for preventing Disputes "among the Persons concerned therein; and for limit"ing a Time for prosecuting for the Forfeiture "appointed by the aforesaid Act in case of Payment "of the Workmen's Wages in any other Manner than "in Money."
5 Geo. 3. c. 51. -	An Act for repealing several Laws relating to the Manufacture of Woollen Cloth in the County of York, and also so much of several other Laws as prescribes particular Standards of Width and Length of such Woollen Cloths; and for substituting other Regulations of the Cloth Trade within the West Riding of the said county, for preventing Frauds in certifying the Contents of the Cloth, and for preserving the Credit of the said Manufacture at the Foreign Market.
6 Geo. 3. c. 23. -	An Act to amend an Act made in the last Session of Parliament, intituled "An Act for repealing several "Laws relating to the Manufacture of Woollen Cloth "in the County of York, and also so much of several "other laws as prescribes particular Standards of "Width and Length of such Woollen Cloths; and for "substituting other Regulations of the Cloth Trade "within the West Riding of the said County, for pre"venting Frauds in certifying the Contents of the "Cloth, and for preserving the Credit of the said "Manufacture at the Foreign Market."
14 Geo. 3. c. 25.	An Act for the more effectual preventing Frauds and Embezzlements by Persons employed in the Woollen Manufactory.
14 Geo. 3. c. 44.	An Act to amend an Act made in the Twenty-second year of the Reign of his late Majesty King George the Second, intituled "An Act for the more effectual "preventing of Frauds and Abuses committed by "Persons employed in the Manufacture of Hats, and "in the Woollen, Linen, Fustian, Cotton, Iron, Leather, "Fur, Hemp, Flax, Mohair, and Silk Manufactures; "and for preventing unlawful Combinations of Journey"men Dyers and Journeymen Hot Pressers, and of all "Persons employed in the said several Manufactures; "and for the better Payment of their Wages."

Session and Chapter.	Title of Act.
17 Geo. 3. c. 55.	An Act for the better regulating the Hat Manufactory.
23 Geo. 3. c. 15.	An Act for rendering more effectual the Provisions contained in an Act of the Thirteenth Year of King George the First for preventing Frauds and Abuses in the Dying Trade. in part; namely, sections five to twelve, and section thirteen from "directed to any constable" to end of section.
24 Geo.3. Sess. 2. c. 3.	An Act for more effectually preventing Frauds and Abuses committed by Persons employed in the Manufactures of combing Wool, Worsted Yarn, and Goods made from Worsted in the County of Suffolk.
25 Geo. 3. c. 40.	An Act for more effectually preventing Frauds and Abuses committed by Persons employed in the Manufactures of Combing Wool, Worsted Yarn, and Goods made from Worsted, in the Counties of Bedford, Huntingdon, Northampton, Leicester, Rutland, and Lincoln, and the Isle of Ely.
28 Geo. 3. c. 55.	An Act for the better and more effectual Protection of Stocking Frames, and the Machines or Engines annexed thereto or used therewith, and for the Punishment of Persons destroying or injuring of such Stocking Frames, Machines, or Engines, and the Framework, Knitted Pieces, Stockings, and other Articles and Goods used and made in the Hosiery or Framework-knitted Manufactory, or breaking or destroying any Machinery contained in any Mill or Mills used or any way employed in preparing or spinning of Wool or Cotton for the Use of the Stocking Frame.
31 Geo. 3. c. 56.	An Act more effectually to prevent Abuses and Frauds committed by Persons employed in the Manufactures of combing Wool and Worsted Yarn in the County of Norfolk and City of Norwich and County of the said City.
51 Geo. 3. c. 41.	An Act to repeal so much of an Act passed in the eighteenth year of the reign of King George the Second, intituled, "An Act for the more effectually preventing "the stealing of Linen, Fustian, and Cotton Goods and "Wares in Buildings, Fields, Grounds, and other Places "used for printing, whitening, bleaching, or drying the "same," as takes away the Benefit of Clergy from Persons stealing Cloth in Places therein mentioned; and for more effectually preventing such Felonies.

CHAPTER 25.

An Act to provide a Site for a National Portrait Gallery, and for other purposes connected therewith.

[26th July 1889.]

29 & 30 Vict. c. 83. 30 & 31 Vict. c. 41.

WHEREAS by the National Gallery Enlargement Act, 1866, and the National Gallery Enlargement Act, 1867, it was provided that lands acquired for or appropriated to the purposes of those Acts should be conveyed to Her Majesty, Her heirs and successors, for those purposes or for such other purposes of public utility as might be sanctioned by Parliament:

And whereas it is expedient to appropriate for the purposes of a national portrait gallery a piece of land so acquired or appropriated as aforesaid, and an adjoining piece of land which is vested in Her Majesty and is under the management of the Commissioners of Woods:

And whereas the said pieces of land are delineated on a plan signed by the Right Honourable David Plunket, First Commissioner of Her Majesty's Works and Public Buildings, and deposited at the office of the Commissioners of Her Majesty's Works and Public Buildings, and are thereon coloured pink and blue respectively:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Appropriation of lands for purposes of national portrait gallery.

1.—(1.) The lands delineated on the plans so deposited as aforesaid, and thereon coloured pink and blue respectively, shall be appropriated for the purposes of a national portrait gallery.

(2.) The management of the piece of land coloured blue on the said plan shall be transferred from the Commissioners of Woods to the Commissioners of Her Majesty's Works and Public Buildings.

(3.) Nothing in this Act shall prevent the Commissioners of Woods from treating the value of the piece of land coloured blue as being part of the hereditary revenues of the Crown under their management.

Short title.

2. This Act may be cited as the National Portrait Gallery Act, 1889.

CHAPTER 26.

An Act to extend and amend the Law relating to the recovery of Small Debts in Scotland.

[12th August 1889.]

7 Will. & 1 Vict. c. 41.

16 & 17 Vict. c. 80.

WHEREAS by an Act passed in the first year of Her Majesty's reign, chapter forty-one, and by another Act passed in the sixteenth and seventeenth years of Her Majesty's reign, chapter eighty, provision was made for the more effectual recovery of small debts in the sheriff courts of Scotland, and for the trial of small debt causes, and the provisions contained in the said Acts have been found to be very beneficial, but by certain alterations their utility may be increased:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited for all purposes as the Small Debt Amendment (Scotland) Act, 1889, and shall be construed as one with the recited Acts first Victoria, chapter forty-one, and sixteenth and seventeenth Victoria, chapter eighty, so far as consistent with the tenor of these Acts respectively; and these Acts together may be cited as the Small Debt (Scotland) Acts, 1837 to 1889.

Actions for delivery of goods.

2. Where a party claims to be owner, or to be entitled to the possession, of any corporeal moveables, the value of which shall be proved to the satisfaction of the sheriff not to exceed twelve pounds, and which are wrongfully withheld from him, he may apply in the small debt court for an order for delivery thereof, and the sheriff may grant such order accordingly; and the application therefor and the extract of the decree, if granted, to follow thereon shall be as nearly as may be in the form of Schedules A. and B. respectively; but in other respects the procedure shall be conform, as nearly as may be, to the provisions of the said first-recited Act, so far as agreeable hereto: Provided always, that if delivery of any of the subjects sued for shall have become impossible, or if their value be alternatively concluded for, the sheriff may give decree for their value to an amount not exceeding twelve pounds.

Jurisdiction where defenders reside in different counties.

3. Where the summons in any small debt cause concludes against two or more defenders, and such defenders reside in different counties of Scotland, the sheriff of any county in which one or more of such defenders reside may, on the motion of the pursuer and on being satisfied that such course is expedient, grant warrant for the summons to be issued against any or all of the defenders to appear and answer at such time and place as he shall appoint; and thereafter the cause shall proceed in like manner as if all such defenders were amenable to his jurisdiction, and they shall thereon be amenable to such jurisdiction accordingly.

Sisting of a party's representatives, assignee, or trustee.

4. Where the pursuer of a small debt cause dies, or assigns his right to pursue the same, or is divested of his estates under the bankruptcy or cessio Acts, his representatives, assignee, or trustee, may, if the sheriff shall see fit, be sisted in his stead, on a verbal application to that effect being made in court by or on behalf of such representatives, assignee, or trustee, and the sheriff may thereupon write on the original summons the names and designations of such representatives, assignee, or trustee, and the character in which he or they are sisted; and where a defender dies or is divested of his estates under the bankruptcy or cessio Acts his representatives or trustee may, in like manner, be sisted in his stead.

Incorporation of 39 & 40 Vict. c. 70. ss. 7, 9, 11, 12, 13, 24, 46; 1 & 2 Vict. c. 114. s. 12.

5. The provisions contained in sections seven, nine, eleven, twelve, thirteen, twenty-four, and forty-six of the Sheriff Courts (Scotland) Act, 1876, and in section twelve of the Act first and second Victoria, chapter one hundred and fourteen, shall apply to all causes in the small debt court competent under this or the before-recited Acts, the word "summons" being read for the word "petition" and the word "appear" for the words "enter appearance" wherever they occur in the said sections of the Act first above mentioned.

Warrant may be got to eject from displenished premises and to relet.

6. Where the officer executing, or charged with executing, a sale of a tenant's effects under a decree for rent obtained in the small debt court shall report to the court that the premises for the payment of the rent of which the sale took place, or warrant for sale was granted, are displenished, the landlord may obtain from the sheriff warrant to eject the tenant and relet the premises; but such warrant shall not be granted unless notice of the diet appointed by the sheriff for hearing the application be given to the tenant forty-eight hours beforehand, which notice may be given by registered letter addressed to the tenant's last known address; and the sheriff may at such or any adjourned diet pronounce such order as to ejection, reletting, security, expenses, or otherwise as he shall think just; and if warrant to relet be granted the rent accruing thereafter shall not be exigible from the tenant except for such period as he shall continue to occupy the premises.

Power to open lock-fast places implied in all warrants and decrees.

7. All warrants to sequestrate and inventory for rent, and all warrants to sell, eject, or relet, and all decrees granted or pronounced in any small debt cause under this or the before recited Acts, shall be held to include authority to open, if need be, shut and lock-fast places for the purpose of carrying such warrants and decrees into lawful execution.

Attendance of agents.

8. Any party may appear by or with a duly qualified agent, and where such agent appears and the sheriff is of opinion that his employment was necessary in the circumstances, then it shall be lawful to include his reasonable remuneration in the expenses of the cause to such an amount, not exceeding five shillings per hour, as the sheriff shall by an act of court or in the decree allow.

Decree for instalments to become due.

9. Where the debt or demand in question is such that if sued for in the ordinary sheriff court decision could competently have been pronounced for instalments to become due, it shall be lawful for the sheriff to make the like decerniture in the small debt court in the cause before him for any period not exceeding twelve months.

Procedure where avizandum made.

10. Where the sheriff finds it expedient to make avizandum with the cause he may pronounce decree in usual form, either on such day as he shall appoint, though any or all of the parties fail to attend, or on such day not later than seven days from the hearing of the cause, as he shall think fit, without requiring any party to attend; and any sheriff of the county or sheriffdom may, at the request of the sheriff who heard the cause, pronounce such decree as he may direct; and it shall not be competent for any sist of diligence on any decree pronounced under the provisions of this section to be issued.

Witness to a charge and indorsation of a warrant not required.

11. A charge on a decree pronounced under this or the before-recited Acts may be validly executed by a sheriff officer alone without a witness, and all warrants granted under this or the before-recited Acts may be executed by any sheriff officer of any county without the necessity of any indorsation or warrant of concurrence: Provided always, that where no sheriff officer resides within a distance of twelve miles of the place where the warrant is to be served the full travelling expenses of the sheriff officer residing nearest to such place shall be allowed against the party upon whom the warrant is served, anything contained in the tenth section of the Act first and second Victoria, chapter one hundred and nineteen, notwithstanding.

Provisions as to extracts and expenses.

12. Any party to a cause, or any claimant in a multiple-poinding, or the agent of any such party or claimant, may, on payment of a fee of one shilling, obtain from the clerk of court an extract of the decree pronounced in the cause to the extent of his interest therein; and the sheriff may, if he shall think fit, on the application of the agent of any party to whom expenses may be awarded, made at or before the time of the decree in the cause being pronounced, decern in his favour for the expenses of the cause to the extent of his interest therein.

Form and effect of the extract.

13. The extract hereby authorised may be written either on the copy of the principal summons or separately in the form, as nearly as may be, of Schedule C., and for the purpose of enforcing the decree or the part thereof contained in the extract, such extract shall have the like force and effect as if it had been made on the principal summons.

Commencement of Act.

14. This Act shall come into operation on the first day of October, one thousand eight hundred and eighty-nine.

SCHEDULES.

Section 2.

SCHEDULE A.

A.B. sheriff of the shire of   to   officers of court, jointly and severally.

Whereas it is humbly complained to me by *C.D.* [*design him*], that *E.F.* [*design him*], defender, ought to deliver to the complainer the subjects specified in the list hereto annexed [*enumerate the subjects and specify shortly the ground of action and, whenever possible, the date of its occurrence*], which subjects do not exceed twelve pounds, in value, and which the said defender refuses or delays to deliver; and, therefore, the said defender ought to be decerned and ordained to deliver the said subjects to the complainer, with expenses: Herefore it is my will that on sight hereof ye lawfully summon the said defender to compear before me or my substitute in the court house at   upon the   day of   at   of the clock, to answer at the complainer's instance in the said matter, with certification, in case of failure, of being held as confessed; requiring you also to deliver to the defender a copy of any list of subjects pursued for, and that ye cite witnesses and havers for both parties to compear at the said place and date, to give evidence in the said matter.

Given under the hand of the clerk of court at   the   day of   .

G.H., Sheriff Clerk.

SCHEDULE B.

Section 2.

At the day of one thousand eight hundred and the sheriff of the shire of decerns and ordains the within designed , defender, to deliver to the pursuer [the subjects within referred to, *or state to what extent the order for delivery is granted*]; and finds the said defender liable to the pursuer in [the sum of, *any sum decerned for in lieu of others of the subjects that cannot be delivered,* with] of expenses; and grants warrant for all lawful execution hereon.

G.H., Sheriff Clerk.

SCHEDULE C.

Section 13.

At the day of one thousand eight hundred and , in an action before the sheriff small debt court at , at the instance of *pursuer*, against , *defender*, the sheriff of the shire of finds the said liable to the said in the sum of , with of expenses; and further finds the said liable to , writer, the agent, in of expenses, and grants warrant for all lawful execution hereon.

CHAPTER 27.

An Act to amend the Law with respect to rating Places used for Advertisements. [12th August 1889.]

WHEREAS difficulties have arisen in relation to the assessment to poor and other rates of land used for exhibition of advertisements and it is expedient to remove the same:

Be it therefore enacted by the Queen's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows:

Short title.

1. This Act may be cited as the Advertising Stations (Rating) Act, 1889.

Definitions.

2. In this Act the term "owner" means the person for the time being receiving or entitled to receive the rackrent of the lands or premises in connection with which the word is used, whether on his own account or as agent or trustee for any other person, or who would so receive or be entitled to receive the same if such lands or premises were let at a rackrent; and the word "person" shall be deemed to include any body of persons whether corporate or unincorporate.

Rating land used for advertisements and not otherwise occupied.

3. Where any land is used temporarily or permanently for the exhibition of advertisements, or for the erection of any hoarding frame post wall or structure used for the exhibition of advertisements but not otherwise occupied, the person who shall permit the

+ advertising Contractor acquiring right to use hoarding is not within these words — & is not rateable.
Burton v St Giles & St George's assessment Committee 1900 1QB 589

same to be so used+, or (if he cannot be ascertained) the owner thereof, shall be deemed to be in beneficial occupation of such land or part thereof, and shall be rateable in respect thereof to the relief of the poor and to all local rates, according to the value of such use as aforesaid.

Chappell v St Botolph
92. 1QB 561.

Rating occupied hereditaments used for advertisements.

4. Where any land or hereditament occupied for other purposes, and rateable in respect thereof to the relief of the poor and local rates, is used temporarily or permanently for the exhibition of advertisements, or for the erection thereon or attachment thereto of any hoarding frame post wall or structure used for the exhibition of advertisements, the gross and rateable value of such land or hereditament shall be so estimated as to include the increased value from such use as aforesaid.

Use of hoarding in roads for advertisements.

5. Where, under any power vested in them by any local or general Act, any corporation board vestry urban sanitary or other authority shall grant a licence for the temporary erection of any hoard gantry scaffold or other structure upon or over any part of any public highway, or upon or over any lands or hereditaments the property of such corporation board vestry sanitary or other authority, such corporation board vestry sanitary or other authority may include in such licence a condition or conditions prohibiting the affixing of any advertisement to any such hoard gantry scaffold or other structure, or sanctioning the affixing of advertisements thereto upon payment of such sum and on such conditions as the corporation board vestry sanitary or other authority granting the licence may determine. And any person using any such hoard gantry scaffold or other structure otherwise than as permitted by such licence shall for every offence be liable to a penalty not exceeding five pounds, and a further sum not exceeding forty shillings for every day during which such offence shall be continued after notice in writing to discontinue such use shall have been given to such person by such corporation board vestry sanitary or other authority, which penalties may be recovered in a summary way by such corporation board vestry sanitary or other authority.

The amount of any payments received or penalties recovered under this section shall be applied by the corporation board vestry sanitary or other authority receiving the same in aid of the rate levied for the repair of the highway.

Application of Act to Ireland.

6. In the application of this Act to Ireland—

(1.) Any land used temporarily or permanently for the exhibition of advertisements, or for the erection of any hoarding frame post wall or structure used for the exhibition of advertisements, shall be deemed to be a rateable hereditament within the meaning of the several Acts relating to the valuation of rateable property in Ireland, and shall be separately valued accordingly under the provisions of the said Acts;

(2.) The expression "local rates" shall include grand jury cess;

(3.) Section four shall be read and construed as if after the words "shall be so estimated" there were inserted the words "for

" the purposes of the several Acts relating to the valuation " of rateable property in Ireland."

7. This Act shall come into operation on the twenty-ninth day of September one thousand eight hundred and eighty-nine. Commencement of Act.

CHAPTER 28.

An Act to declare the Boundaries of the Province of Ontario in the Dominion of Canada.

[12th August 1889.]

WHEREAS the Senate and Commons of Canada in Parliament assembled have presented to Her Majesty the Queen the address set forth in the schedule to this Act respecting the boundaries of the province of Ontario:

And whereas the Government of the province of Ontario have assented to the boundaries mentioned in that Address:

And whereas such boundaries so far as the province of Ontario adjoins the province of Quebec are identical with those fixed by the proclamation of the Governor-General issued in November, one thousand seven hundred and ninety-one, which have ever since existed:

And whereas such boundaries, so far as the province of Ontario adjoins the province of Manitoba, are identical with those found to be the correct boundaries by a report of the Judicial Committee of the Privy Council, which Her Majesty the Queen in Council, on the eleventh day of August one thousand eight hundred and eighty-four, ordered to be carried into execution:

And whereas it is expedient that the boundaries of the province of Ontario should be declared by authority of Parliament in accordance with the said address:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited as the Canada (Ontario Boundary) Act, 1889. Short title.

2. It is hereby declared that the westerly, northerly, and easterly boundaries of the province of Ontario are those described in the address set forth in the schedule to this Act. Declaration of boundaries of Ontario.

SCHEDULE.

ADDRESS TO THE QUEEN FROM THE SENATE AND HOUSE OF COMMONS OF CANADA.

We, Your Majesty's most dutiful and loyal subjects, the Senate and Commons of Canada, in Parliament assembled, humbly approach Your Majesty with the request that Your Majesty may be graciously pleased to cause a measure to be submitted to the Parliament of the United Kingdom, declaring and providing the following to be the westerly, northerly, and easterly boundaries of the province of Ontario, that is to say:—

Commencing at the point where the international boundary between the United States of America and Canada strikes the western shores of Lake Superior, thence westerly along the said boundary to the north-west angle of the Lake of the Woods, thence along a line drawn due north until it strikes the middle line of the course of the river discharging the waters of the lake called Lake Seul or the Lonely Lake, whether above or below its confluence with the stream flowing from the Lake of the Woods towards Lake Winnipeg, and thence proceeding eastward from the point at which the before-mentioned line strikes the middle line of the course of the river last aforesaid, along the middle line of the course of the same river (whether called by the name of the English River or, as to the part below the confluence, by the name of the River Winnipeg) up to Lake Seul or the Lonely Lake, and thence along the middle line of Lake Seul or Lonely Lake to the head of that lake, and thence by a straight line to the nearest point of the middle line of the waters of Lake St. Joseph, and thence along that middle line until it reaches the foot or outlet of that lake, and thence along the middle line of the river by which the waters of Lake St. Joseph discharge themselves to the shore of the part of Hudson's Bay commonly known as James' Bay, and thence south-easterly following upon the said shore to a point where a line drawn due north from the head of Lake Temiscamingue would strike it, and thence due south along the said line to the head of the said lake, and thence through the middle channel of the said lake into the Ottawa River, and thence descending along the middle of the main channel of the said river to the intersection by the prolongation of the western limits of the Seigneurie of Rigaud, such mid-channel being as indicated on a map of the Ottawa Ship Canal Survey made by Walter Shanly, C.E., and approved by Order of the Governor-General in Council, dated the twenty-first July one thousand eight hundred and eighty-six; and thence southerly, following the said westerly boundary of the Seigneurie of Rigaud to the south-west angle of the said Seigneurie, and then southerly along the western boundary of the augmentation of the township of Newton to the north-west angle of the Seigneurie of Longueuil, and thence south-easterly along the south-western boundary of said Seigneurie of New Longueuil to a stone boundary on the north bank of the Lake St. Francis, at the cove west of Point au Baudet, such line from the Ottawa River to Lake St. Francis being as indicated on a plan of the line of boundary between Upper and Lower Canada, made in accordance with the Act 23 Victoria, chapter 21, and approved by order of the Governor-General in Council, dated the 16th of March 1861.

CHAPTER 29.

An Act to amend the Passengers Act, 1855, and the Passengers Act Amendment Act, 1863.

[12th August 1889.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title and construction.

1. This Act may be cited as the Passengers Acts Amendment Act, 1889, and shall be construed together with the Passengers Act, 1855, and the Passengers Act Amendment Act, 1863.

Amendment of 18 & 19 Vict. c. 119. s. 52. 26 & 27 Vict. c. 51. s. 15.

2. For the purposes of the fifty-second section of the Passengers Act, 1855, and the fifteenth section of the Passengers Act Amendment Act, 1863, the term "passenger ship" shall signify every description of sea-going vessel carrying one or more passenger or passengers on any voyage from any place in Her Majesty's dominions to any place whatever.

CHAPTER 30.

An Act for establishing a Board of Agriculture for Great Britain. [12th August 1889.]

See the Minis
of Agricultur
and Fisheries
Act 1919

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Establishment of Board of Agriculture.

1.—(1.) There shall be established a Board of Agriculture consisting of the Lord President of the Council, Her Majesty's Principal Secretaries of State, the First Commissioner of Her Majesty's Treasury, the Chancellor of Her Majesty's Exchequer, the Chancellor of the Duchy of Lancaster, and the Secretary for Scotland, and such other persons (if any) as Her Majesty the Queen may from time to time think fit to appoint during Her Majesty's pleasure: Provided that the Board shall not be entitled to act unless the President or one of the officers of State above mentioned is present.

(2.) It shall be lawful for Her Majesty the Queen from time to time to appoint any member of the Privy Council to be President of the Board during Her Majesty's pleasure.

(3.) The Board shall be deemed to be established on the appointment of the President thereof.

Powers and duties of Board.

2.—(1.) There shall be transferred to the Board of Agriculture—

(*a*) the powers and duties of the Privy Council under the Acts mentioned in Part One of the First Schedule to this Act;

(*b*) the powers and duties of the Land Commissioners for England under the Acts mentioned in Part Two of the First Schedule to this Act or under any other Act, whether general, local and personal, or private; and

(*c*) on such date as shall be fixed by the Commissioners of Her Majesty's Treasury all powers and duties vested in the Commissioners of Her Majesty's Works and Public Buildings under the Survey Act, 1870.

33 & 34 Vict. c. 13.

(2.) The Board of Agriculture shall also undertake the collection and preparation of statistics relating to agriculture, and forestry, and may also undertake the inspection of, and reporting on, any schools which are not public elementary schools, and in which technical instruction, practical or scientific, is given in any matter connected with agriculture or forestry, and the aiding of any school which admits such inspection, and in the judgment of the board is qualified to receive such aid and the aiding of any system of lectures or instruction connected with agriculture or forestry, and the inspection of and reporting on any examinations in agriculture or forestry.

(3.) The Board of Agriculture may also make or aid in making such inquiries, experiments, and research, and collect or aid in collecting such information as they may think important for the purpose of promoting agriculture or forestry.

Power as to dogs.

3. The Board of Agriculture may from time to time make such general or special orders as they think fit for the following purposes, or any of them, that is to say—

(*a*) for prescribing and regulating the muzzling of dogs, and the keeping of dogs under control;

(*b*) for prescribing and regulating the seizure, detention, and disposal (including slaughter) of stray dogs, and of dogs not muzzled, and of dogs not being kept under control, and the recovery from the owners of dogs of the expenses incurred in respect of their detention;

and the Contagious Diseases (Animals) Acts, 1878 to 1886, shall apply as if the said purposes were among the purposes mentioned in section thirty-two of the Contagious Diseases (Animals) Act, 1878.

41 & 42 Vict. c. 74.

Power to transfer other powers of Government departments.

4. It shall be lawful for Her Majesty the Queen in Council from time to time by order to transfer to the Board of Agriculture such powers and duties of any Government department as are conferred by or in pursuance of any statute, and appear to Her Majesty to relate to agriculture or forestry, and to be of an administrative character;

Provided that before any such order is made, the draft thereof shall be laid before each House of Parliament for not less than thirty days on which such House is sitting, and if either of such Houses before the expiration of such thirty days presents an address to Her Majesty against the draft or any part thereof, no further proceedings shall be taken thereon, without prejudice to the making of any new draft order.

Provided also, that nothing in this Act contained shall in any respect affect the exclusive control of the Secretary of State in Council of India over the candidates for the Indian Forest Department at Cooper's Hill College or elsewhere.

Staff and remuneration and expenses.

5.—(1.) The Board of Agriculture may from time to time appoint a secretary and such officers and servants as the Board may, with the sanction of the Treasury, determine.

(2.) There shall be paid out of money provided by Parliament to the President, if not one of the Officers of State above mentioned, nor any other Officer of State receiving a salary, the annual salary of two thousand pounds a year, and to the secretary, officers, and servants of the Board such salaries or remuneration as the Treasury may from time to time determine.

(3.) All expenses incurred by the Board of Agriculture in the execution of their duties under this Act, to such amount as may be sanctioned by the Treasury, shall be paid out of money provided by Parliament.

Style and seal of Board.

6.—(1.) The Board of Agriculture may sue and be sued, and may for all purposes be described, by that name.

(2.) The Board shall have an official seal, which shall be officially and judicially noticed, and such seal shall be authenticated by the signature of the president or some member of the Board, or of the secretary, or some person authorised by the President of the Board to act on behalf of the secretary.

(3.) In the execution and discharge of any power or duty transferred to the Board of Agriculture by or in pursuance of this Act, the Board shall adopt and use the style and seal of the Board of Agriculture and no other.

Proceedings of Board.

7.—(1.) Every document purporting to be an order, licence, or other instrument issued by the Board of Agriculture, and to be sealed with the seal of the Board, authenticated in manner provided by this Act, or to be signed by a secretary or any person authorised by the President of the Board to act on behalf of the secretary shall be received in evidence and be deemed to be such order, licence, or instrument without further proof, unless the contrary is shown.

(2.) A certificate signed by the President or any member of the Board of Agriculture, that any order, licence, or other instrument purporting to be made or issued by the Board is so made or issued, shall be conclusive evidence of the fact so certified.

Power of President to sit in Parliament.

8.—(1.) The office of President of the Board of Agriculture shall not render the person holding the same incapable of being elected to, or sitting or voting as a member of, the Commons House of Parliament, and shall be deemed to be an office included in Schedule H. of the Representation of the People Act, 1867, Schedule H. of the Representation of the People (Scotland) Act, 1868, and Schedule E. of the Representation of the People (Ireland) Act, 1868.

30 & 31 Vict. c. 102. s. 52.
31 & 32 Vict. c. 48. s. 51.
31 & 32 Vict. c. 49. s. 11.

(2.) The President of the Board of Agriculture, if not one of the officers of State above in this Act mentioned, shall take the oath of allegiance and official oath, and shall be deemed to be included in the first part of the schedule to the Promissory Oaths Act, 1868.

Transfer of officers.

9.—(1.) There shall be transferred and attached to the Board of Agriculture such of the persons employed under the Privy Council or any other Government department, in or about the execution of the powers and duties transferred by or in pursuance of this Act to the Board of Agriculture as the Privy Council, or Government department, with the sanction of the Treasury, determine.

(2.) There shall be transferred and attached to the Board of Agriculture all persons employed under the Land Commissioners for England.

(3.) The Board of Agriculture may from time to time distribute the business of the Board amongst the several persons transferred thereto in pursuance of this Act in such manner as the Board may think right, and those officers shall perform such duties in relation to that business as may be directed by the Board.

Provided that such persons shall, while they continue in office, be in no worse position as respects their tenure of office, salaries, or superannuation allowances than they would have been in if this Act had not passed.

(4.) Any Order in Council made in pursuance of this Act which transfers any powers or duties to the Board of Agriculture shall extend this section to the persons employed in or about the execution of those powers and duties.

Ultimate abolition of Land Commissioners.

10. After the establishment of the Board of Agriculture, no person shall be appointed to the office of Land Commissioner for England.

Provided that any person who holds office as Land Commissioner at the passing of this Act shall be assigned such position in or under the Board of Agriculture as Her Majesty may direct, so that he is not placed in any worse position as respects his tenure of office, salary, or superannuation allowance than he would have been in if this Act had not passed.

Construction of Acts and documents.

11.—(1.) In the construction and for the purposes of any Act of Parliament, judgment, decree, order, award, deed, contract, or other document passed, or made before the establishment of the Board of Agriculture, but so far only as may be necessary for the exercise of the powers or the discharge of the duties by this Act, or any Order in Council made in pursuance thereof, transferred to that Board, the name of that Board shall be substituted for the Privy Council, Land Commissioners for England, Inclosure Commissioners for England and Wales, Copyhold Commissioners, Tithe Commissioners for England and Wales, or other Commissioners or Government department, as the case may require, and anything authorised or required to be done by, to, or before an Assistant Commissioner of any of the above-named Commissioners may be lawfully done by any officer of the Board of Agriculture for the time being assigned for that purpose.

(2.) Where anything has been commenced by or under the authority of the Privy Council, Land Commissioners, or other Government department, before the transfer to the Board of Agriculture of any powers or duties by or in pursuance of this Act, and such thing is in relation to the powers or duties so transferred, such thing may be carried on and completed by or under the authority of the Board of Agriculture.

(3.) Where at the time of the transfer of any powers or duties by or in pursuance of this Act, any legal proceeding is pending, to which the Privy Council, Land Commissioners, or other Government department are parties, and such proceeding has reference to the powers and duties transferred by or in pursuance of this Act, the Board of Agriculture shall be substituted in such proceeding for the Privy Council, Land Commissioners, or other Government department, and such proceeding shall not abate by reason of such substitution.

12. In this Act— Definitions.

The expression "agriculture" includes horticulture:

The expression "the Treasury" means the Commissioners of Her Majesty's Treasury:

The expression "the Privy Council" means Her Majesty's most Honourable Privy Council.

13. The Acts specified in the Second Schedule to this Act are, as from the date of the establishment of the Board of Agriculture, hereby repealed to the extent in the third column of that schedule mentioned. Repeal.

Provided that this repeal shall not affect the tenure of office, salary, or allowance of any person holding office at the passing of this Act, and shall not affect the exercise by the Board of Agriculture of any power which at the passing of this Act can be exercised by the Land Commissioners for England, and shall not affect the validity of any order or act which prior to the date of the said establishment has been made or done by the Privy Council, and all orders of the Privy Council in force at that date in relation to the powers and duties transferred by this Act to the Board of Agriculture shall continue in force until revoked or altered by that Board.

14. This Act may be cited as the Board of Agriculture Act, 1889. Short title.

FIRST SCHEDULE.

Part I.

Section 2.

Acts relating to Powers and Duties of the Privy Council transferred to Board of Agriculture.

Session and Chapter.	Title.
40 & 41 Vict. c. 68. -	The Destructive Insects Act, 1877.
41 & 42 Vict. c. 74. -	The Contagious Diseases (Animals) Act, 1878.
47 & 48 Vict. c. 13. -	The Contagious Diseases (Animals) Act, 1884.
47 & 48 Vict. c. 47. -	The Contagious Diseases (Animals) Transfer of Parts of Districts Act, 1884.
49 & 50 Vict. c. 32. -	The Contagious Diseases (Animals) Act, 1886.

Part II.

Acts relating to Powers and Duties of Land Commissioners for England.

Tithe Rentcharge Acts.

Session and Chapter.	Title or Short Title.
6 & 7 Will. 4. c. 71. -	An Act for the commutation of tithes in England and Wales.
7 Will. 4. and 1 Vict. c. 69.	An Act to amend an Act for the commutation of tithes in England and Wales.
1 & 2 Vict. c. 64. -	An Act to facilitate the merger of tithes in land.
2 & 3 Vict. c. 62. -	An Act to explain and amend the Acts for the commutation of tithes in England and Wales.
3 & 4 Vict. c. 15. -	An Act further to explain and amend the Acts for the commutation of tithes in England and Wales.
5 & 6 Vict. c. 54. -	An Act to amend the Acts for the commutation of tithes in England and Wales, and to continue the officers appointed under the said Acts for a time to be limited.
9 & 10 Vict. c. 73. -	An Act further to amend the Acts for the commutation of tithes in England and Wales.
10 & 11 Vict. c. 104. -	An Act to explain the Acts for the commutation of tithes in England and Wales, and to continue the officers appointed under the said Acts until the first day of October one thousand eight hundred and fifty, and to the end of the then next session of Parliament.
23 & 24 Vict. c. 93. -	An Act to amend and further extend the Acts for the commutation of tithes in England and Wales.
31 & 32 Vict. c. 89. -	An Act to alter certain provisions in the Acts for the commutation of tithes, the copyhold Acts, and the Acts for the inclosure, exchange, and improvement of land; and to make provision towards defraying the expense of the Copyhold, Inclosure, and Tithe Office.
36 & 37 Vict. c. 42. -	The Tithe Commutation Acts Amendment Act, 1873.
40 & 41 Vict. c. iii. -	The Vicar's Rate in Halifax Act, 1877.
41 & 42 Vict. c. 42. -	An Act to amend and further extend the Acts for the commutation of tithes in England and Wales.
42 & 43 Vict. c. clxxvi.	The London (City) Tithes Act, 1879.
44 & 45 Vict. c. cxcvii.	The London (City) Tithes (St. Botolph Without, Aldgate) Act, 1881.
48 & 49 Vict. c. 32. -	The Tithe Rentcharge Redemption Act, 1885.
49 & 50 Vict. c. 54. -	The Extraordinary Tithe Redemption Act, 1886.
51 & 52 Vict. c. lxix. -	The St. Botolph Without, Aldgate, Tithe Rate Act, 1888.

Copyhold Acts.

Session and Chapter.	Title or Short Title.
4 & 5 Vict. c. 35. -	The Copyhold Act, 1841.
6 & 7 Vict. c. 23. -	The Copyhold Act, 1843.
7 & 8 Vict. c. 55. -	The Copyhold Act, 1844.
15 & 16 Vict. c. 51. -	The Copyhold Act, 1852.
21 & 22 Vict. c. 94. -	The Copyhold Act, 1858.
31 & 32 Vict. c. 89. -	An Act to alter certain provisions in the Acts for the commutation of tithes, the Copyhold Acts, and the Acts for the inclosure, exchange, and improvement of land; and to make provision towards defraying the expense of the Copyhold, Inclosure, and Tithe Office.
50 & 51 Vict. c. 73. -	The Copyhold Act, 1887.

Inclosure of Commons and Allotments Acts.

Session and Chapter.	Short Title.
8 & 9 Vict. c. 118. -	The Inclosure Act, 1845.
9 & 10 Vict. c. 70. -	The Inclosure Act, 1846.
10 & 11 Vict. c. 111. -	The Inclosure Act, 1847.
11 & 12 Vict. c. 99. -	The Inclosure Act, 1848.
12 & 13 Vict. c. 83. -	The Inclosure Act, 1849.
14 & 15 Vict. c. 53. -	The Inclosure Commissioners Act, 1851.
15 & 16 Vict. c. 79. -	The Inclosure Act, 1852.
17 & 18 Vict. c. 97. -	The Inclosure Act, 1854.
20 & 21 Vict. c. 31. -	The Inclosure Act, 1857.
22 & 23 Vict. c. 43. -	The Inclosure Act, 1859.
31 & 32 Vict. c. 89. -	The Inclosure, &c. Expenses Act, 1868.
36 & 37 Vict. c. 19. -	The Poor Allotments Management Act, 1873.
39 & 40 Vict. c. 56. -	The Commons Act, 1876.
41 & 42 Vict. c. 56. -	The Commons (Expenses) Act, 1878.
42 & 43 Vict. c. 37. -	The Commons Act, 1879.
45 & 46 Vict. c. 15. -	The Commonable Rights Compensation Act, 1882.
50 & 51 Vict. c. 48. -	The Allotments Act, 1887.

Metropolitan Commons.

Session and Chapter.	Title or Short Title.
29 & 30 Vict. c. 122. -	The Metropolitan Commons Act, 1866.
32 & 33 Vict. c. 107. -	The Metropolitan Commons Amendment Act, 1869.
41 & 42 Vict. c. 71. -	The Metropolitan Commons Act, 1878.

Drainage and Improvement of Land Acts.

Session and Chapter.	Title or Short Title.
9 & 10 Vict. c. 101. -	The Public Money Drainage Act, 1846.
10 & 11 Vict. c. 11. -	The Public Money Drainage Act, 1847.
10 & 11 Vict. c. 38. -	An Act to facilitate the Drainage of Lands in England and Wales.
11 & 12 Vict. c. 119. -	The Public Money Drainage Act, 1848.
13 & 14 Vict. c. 31. -	The Public Money Drainage Act, 1850.
14 & 15 Vict. c. 91. -	The Public Money Drainage Act, 1851.
19 & 20 Vict. c. 9. -	The Public Money Drainage Act, 1856.
24 & 25 Vict. c. 133. -	The Land Drainage Act, 1861.
27 & 28 Vict. c. 114. -	The Improvement of Land Act, 1864.
30 & 31 Vict. c. 101. -	The Public Health (Scotland) Act, 1867.
33 & 34 Vict. c. 56. -	The Limited Owners Residences Act, 1870.
34 & 35 Vict. c. 84. -	The Limited Owners Residences Act (1870) Amendment Act, 1871.
38 & 39 Vict. c. 55. -	The Public Health Act, 1875.
40 & 41 Vict. c. 31. -	The Limited Owners, Reservoirs, and Water Supply Further Facilities Act, 1877.

Other Duties.

Session and Chapter.	Title or Short Title.
12 & 13 Vict. c. xci. -	The General Land Drainage and Improvement Company's Act, 1849.
15 & 16 Vict. c. 62. -	An Act to alter and amend certain Acts relating to the Woods, Forests, and Land Revenues of the Crown.

Session and Chapter.	Title or Short Title.
16 & 17 Vict. c. cliv. -	The Lands Improvement Company's Act, 1853.
18 & 19 Vict. c. lxxxiv.	The Lands Improvement Company's Amendment Act, 1855.
19 & 20 Vict. c. lxx. -	The Scottish Drainage and Improvement Company's Act, 1856.
21 & 22 Vict. c. 44. -	The Universities and College Estates Act, 1858.
22 & 23 Vict. c. lxxxii.	The Land Improvement Company's Amendment Act, 1859.
23 & 24 Vict. c. 59. -	The Universities and College Estates Act Extension, 1860.
23 & 24 Vict. c. clxix.	The Land Loan and Enfranchisement Company's Act, 1860.
23 & 24 Vict. c. clxx. -	The Scottish Drainage and Improvement Company's Amendment Act, 1860.
26 & 27 Vict. c. cxl. -	The Lands Improvement Company's Amendment Act, 1863.
29 & 30 Vict. c. 70. -	An Act to extend the provisions of the Acts for the inclosure, exchange, and improvement of land to certain portions of the Forest of Dean called Walmore Common and the Bearce Common, and for authorising allotments in lieu of the forestal rights of Her Majesty in and over such commons.
31 & 32 Vict. c. 118. -	The Public Schools Act, 1868.
34 & 35 Vict. c. clviii.	The Thames Valley Drainage Act, 1871.
36 & 37 Vict. c. 62. -	The Public Schools (Eton College Property) Act, 1873.
37 & 38 Vict. c. xxii. -	The Thames Valley Drainage Act, 1874.
40 & 41 Vict. c. xxxvi.	The Somersetshire Drainage Act, 1877.
40 & 41 Vict. c. 48. -	The Universities of Oxford and Cambridge Act, 1877, and Statutes made thereunder.
43 & 44 Vict. c. 46. -	The Universities and College Estates Amendment Act, 1880.
44 & 45 Vict. c. 41. -	The Conveyancing and Law of Property Act, 1881.
45 & 46 Vict. c. 38. -	The Settled Land Act, 1882.
46 & 47 Vict. c. 61. -	The Agricultural Holdings (England) Act, 1883.
47 & 48 Vict. c. 67. -	The Improvement of Lands (Ecclesiastical Benefices) Act, 1884.
50 & 51 Vict. c. 30. -	The Settled Land Acts (Amendment) Act, 1887.
51 & 52 Vict. c. 20. -	The Glebe Lands Act, 1888.

Section 13.

SECOND SCHEDULE.

Enactments Repealed.

Session and Chapter.	Title of Act.	Extent of Repeal.
6 & 7 Will. 4. c. 71.-	An Act for the Commutation of Tithes in England and Wales.	Section two.
4 & 5 Vict. c. 35. -	The Copyhold Act, 1841	Sections one, two, four, five, seven, eight, and nine.
8 & 9 Vict. c. 118. -	The Inclosure Act, 1845	Sections two, six, and eight.
14 & 15 Vict. c. 53. -	The Inclosure Commissioners Act, 1851.	The whole Act, except section nine.
25 & 26 Vict. c. 73. -	An Act for continuing the Copyhold Inclosure and Tithe Commission, and entitling the Commissioners to Superannuation Allowance.	The whole Act so far as unrepealed.
40 & 41 Vict. c. 68. -	The Destructive Insects Act, 1877.	Section six.
41 & 42 Vict. c. 74. -	The Contagious Diseases (Animals) Act, 1878.	Section eight from "the "powers by this Act con-"ferred" inclusive to the end of the section, being sub-section two, and section fifty-eight from "any Act of the Privy Council" inclusive to the end of the section, being sub-section six.
45 & 46 Vict. c. 38. -	The Settled Land Act, 1882.	Section forty-eight down to "may require of the "three several bodies of "commissioners afore-"said," being the end of sub-section five, inclusive.

CHAPTER 31.

An Act to make provision for the Audit of the Manufacturing and Shipbuilding and other like Accounts of the Army and Navy. [12th August 1889.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1.—(1.) There shall be prepared in each financial year, in such form and by such departments as the Treasury from time to time direct or approve, accounts showing

(*a*) the distribution and cost of labour employed and the value of stores expended in the several Government dockyards and manufacturing establishments of the Navy in and out of the United Kingdom; and

(*b*) the cost of labour employed and the value of stores expended in the several ordnance factories and manufacturing establishments of the Army.

Accounts of shipbuilding, manufacturing, and other like services of the Army and Navy.

(2.) The accounts aforesaid for each financial year shall be sent to the Comptroller and Auditor General on or before the thirty-first day of January in the next following year, and the Comptroller and Auditor General shall on behalf of the House of Commons examine them in such manner as the Treasury may from time to time determine, and, in the case of the Navy, with reference to the programme of shipbuilding and other work for which money has been provided, either by special Act or out of the money appropriated for Navy services by an Appropriation Act.

(3.) The Comptroller and Auditor General shall report on the said accounts, and his reports together with the accounts shall be laid by the Treasury before the House of Commons in the manner prescribed by the Exchequer and Audit Departments Act, 1866, for appropriation accounts, on or before the thirty-first day of March next after the end of the financial year for which the accounts are prepared, if Parliament is then sitting, and if not within one week after the then next meeting of Parliament.

2. This Act may be cited separately as the Army and Navy Audit Act, 1889, and shall be construed as one with the Exchequer and Audit Departments Act, 1866, and this Act and that Act may be cited collectively as the Exchequer and Audit Departments Acts, 1866 and 1889.

Short title. 29 & 30 Vict. c. 39.

CHAPTER 32.

An Act to amend the Law relating to the Investment of Trust Funds. [12th August 1889.]

This Act (exc
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is repealed
by "Trustee A
1893" —

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Trust Investment Act, 1889. Short title.

2. This Act shall not extend to Scotland. Extent of Act.

3. It shall be lawful for a trustee, unless expressly forbidden by the instrument (if any) creating the trust, to invest any trust funds in his hands in manner following, that is to say;—

Authorised investments.

(*a*.) In any of the Parliamentary Stocks or Public Funds or Government Securities of the United Kingdom:

(*b.*) On Real or heritable Securities in Great Britain or Ireland:

(*c.*) In the Stock of the Bank of England or the Bank of Ireland:

(*d.*) In India Three-and-a-half per Cent. Stock and India Three per Cent. Stock, or in any other Capital Stock which may at any time hereafter be issued by the Secretary of State in Council of India, under the authority of Act of Parliament, and charged on the revenues of India:

(*e.*) In any securities the interest of which is or shall be guaranteed by Parliament:

(*f.*) In Consolidated Stock created by the Metropolitan Board of Works, or which may at any time hereafter be created by the London County Council, or in Debenture Stock created by the Receiver for the Metropolitan Police District:

(*g.*) In the Debenture or Rentcharge or Guaranteed or Preference Stock of any railway company in Great Britain or Ireland incorporated by special Act of Parliament, and having during each of the ten years last past before the date of investment paid a dividend at the rate of not less than three per centum per annum on its ordinary stock:

(*h.*) In the stock of any railway or canal company in Great Britain or Ireland whose undertaking is leased in perpetuity or for a term of not less than two hundred years at a fixed rental to any such railway company as is mentioned in subsection (*g*) either alone or jointly with any other railway company:

(*i.*) In the Debenture Stock of any railway company in India the interest on which is paid or guaranteed by the Secretary of State in Council of India:

(*j.*) In the "B" Annuities of the Eastern Bengal, the East Indian and the Scinde Punjaub and Delhi Railways, and any like annuities which may at any time hereafter be created on the purchase of any other railway by the Secretary of State in Council of India, and charged on the revenues of India, and which may be authorised by Act of Parliament to be accepted by trustees in lieu of any stock held by them in the purchased railway:

(*k.*) In the stock of any railway company in India upon which a fixed or minimum dividend in sterling is paid or guaranteed by the Secretary of State in Council of India:

(*l.*) In the Debenture or Guaranteed or Preference Stock of any company in Great Britain or Ireland, established for the supply of water for profit, and incorporated by special Act of Parliament or by Royal Charter, and having during each of the ten years last past before the date of investment paid a dividend of not less than five pounds per centum on its Ordinary Stock:

(*m.*) In nominal or inscribed stock issued, or to be issued, by the corporation of any municipal borough, having according to the returns of the last census prior to the date of investment a population exceeding fifty thousand, or by any county council, under the authority of any Act of Parliament or Provisional Order:

(*n.*) In nominal or inscribed stock issued or to be issued by any Commissioners incorporated by Act of Parliament for the purpose of supplying water, and having a compulsory power of levying rates over an area having, according to the returns of the last census prior to the date of investment, a population exceeding fifty thousand, provided that during each of the ten years last past before the date of investment the rates levied by such Commissioners shall not have exceeded eighty per centum of the amount authorised by law to be levied:

(*o.*) In any of the stocks, funds, or securities, for the time being authorised for the investment of cash under the control or subject to the order of the Court:

and also from time to time to vary any such investment.

re Dick 1891. 1 Ch. 423
This power 'to vary' not confined to investmt under Act
available where instrument gives no power to vary

Purchase at a premium of redeemable stocks.

4.—(1.) It shall be lawful for a trustee under the powers of this Act to invest in any of the stocks funds shares or securities mentioned or referred to in section three of this Act, notwithstanding that the same may be redeemable, and that the price exceeds the redemption value.

(2.) Provided that it shall not be lawful for a trustee under the powers of this Act to purchase at a price exceeding its redemption value, any stock mentioned or referred to in sub-sections (*g*), (*i*), (*k*), (*l*), and (*m*), which is liable to be redeemed within fifteen years of the date of purchase at par or at some other fixed rate, or to purchase any such stock as is mentioned or referred to in the sub-sections aforesaid, which is liable to be redeemed at par or at some other fixed rate, at a price exceeding fifteen per centum above par or such other fixed rate.

(3.) It shall be lawful for a trustee to retain until redemption any redeemable stock fund or security which may have been purchased in accordance with the powers of this Act.

Discretion of trustees.

5. Every power conferred by this Act shall be exercised according to the discretion of the trustee, but subject to any consent required by the instrument (if any) creating the trust with respect to the investment of the trust funds.

Application of Act.

6. This Act shall apply as well to trusts created before as to trusts created after the passing of this Act, and the powers hereby conferred shall be in addition to the powers conferred by the instrument, if any, creating the trust.

Investments of sinking fund by local authorities.

7. Where the council of any county or borough or any urban or rural sanitary authority are authorised or required to invest any money for the purpose of a loans fund or a sinking fund, any enactment relating to such investment shall be modified so far as to allow such money to be invested in any of the stocks, funds, shares, or securities in which trustees are authorised by this Act to invest, except that such council or authority shall not by virtue of this section invest in any stocks, funds, shares, or securities issued or created by themselves, nor in real or heritable securities.

This sec: is not repealed by Trust Act 18

Provided that it shall not be lawful for any such council or authority to retain any securities which are liable to be redeemed at a fixed time at par or at any other fixed rate and are at a price exceeding their redemption value, unless more than fifteen years will elapse before the time fixed for redemption.

Repeal of enactments in schedule.

8. The enactments specified in the schedule to this Act are hereby repealed to the extent in the third column of that schedule mentioned, but without prejudice to the validity of any act done under any enactment so repealed.

Interpretation.

9. For the purposes of this Act the following terms have the meanings herein-after respectively assigned to them, that is to say:—

The expression "trustee" shall include an executor or administrator and a trustee whose trust arises by construction or implication of law as well as an express trustee.

The expression "stock" shall include fully paid-up shares.

The expression "instrument" shall include a Private Act of Parliament.

The expression "the court" shall mean (except as to Irish trusts) the High Court of Justice in England, and as to Irish trusts, the High Court of Justice in Ireland.

SCHEDULE.

Section 8.

ENACTMENTS REPEALED.

Session and Chapter.	Title.	Extent of Repeal.
4 & 5 Will. 4. c. 29.	An Act for facilitating the loan of money upon landed securities in Ireland.	The whole Act.
22 & 23 Vict. c. 35.	An Act to further amend the law of property and to relieve trustees.	Section thirty-two.
23 & 24 Vict. c. 38.	An Act to further amend the law of property.	Section eleven.
30 & 31 Vict. c. 132.	An Act to remove doubts as to the power of trustees, executors, and administrators to invest trust funds in certain securities, and to declare and amend the law relating to such investments.	The whole Act.
34 & 35 Vict. c. 47.	The Metropolitan Board of Works (Loans) Act, 1871.	Section thirteen.

CHAPTER 33.

An Act to provide for modifying the Constitution of the Court of Appeal for the Windward Islands.

[12th August 1889.]

WHEREAS under an Act of the session held in the thirteenth and fourteenth years of Her present Majesty, chapter fifteen, a court of appeal has been established for the colonies of Barbados, Grenada, St. Vincent, and St. Lucia, under the name of the Court of Appeal for the Windward Islands, and it is expedient to provide for modifying the constitution of that court:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Power to modify constitution of Court of Appeal for Windward Islands.

1. If and whenever the legislatures of Barbados, Grenada, St. Vincent, and St. Lucia, pass laws making provision for modifying the constitution of the Court of Appeal for the Windward Islands, Her Majesty may, by Order in Council, modify the constitution of that court accordingly.

Repeal of 13 & 14 Vict. c. 15.

2. The said Act of the session held in the thirteenth and fourteenth years of Her Majesty, chapter fifteen, is hereby repealed, but this repeal shall not affect the validity of anything done under or in pursuance of the said Act, or the jurisdiction of the court established under the said Act, or any powers of the legislatures of the said colonies to extend, restrict, or vary that jurisdiction.

Short title.

3. This Act may be cited as the Windward Islands Appeal Court Act, 1889.

CHAPTER 34.

An Act to amend the Telegraph Acts, 1863 to 1885, and the Post Office Acts in relation to the Isle of Man.

[12th August 1889.]

41 & 42 Vict. c. 76.

WHEREAS the Telegraph Act, 1878, does not in express terms extend to the Isle of Man, and it is expedient that certain of the provisions thereof should be in force within that Isle:

And whereas although the Telegraph Acts, 1863 to 1885, other than the Telegraph Act, 1878, extend to the said Isle, the means prescribed for enforcing the enactments thereof are to a great extent inapplicable to the said Isle, and it is necessary to make provision for making those Acts effective therein:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Application of Telegraph Acts to Isle of Man. 7 Will. 4. & 1 Vict. c. 36.

1. In the application of the Telegraph Acts and the Post Office (Offences) Act, 1837, to the Isle of Man the following provisions shall have effect:

(1.) "The Governor of the Isle of Man" shall be substituted for "the Board of Trade," save in sections thirty-six, thirty-seven, thirty-eight, thirty-nine, and forty of the Telegraph Act, 1863, and the expression "the Governor" shall include a Lieutenant-Governor and Deputy Governor.

26 & 27 Vict. c. 112.

(2.) "The Staff of Government Division" of Her Majesty's High Court of Justice of the Isle of Man shall be substituted for "the Railway Commissioners."

(3.) "The Attorney General for the Isle of Man" shall be substituted for the "Attorney General for England and Ireland" respectively, and for "the Lord Advocate of Scotland."

(4.) The expression "a justice of the peace" shall include a high bailiff.

(5.) "The Registrar of Joint Stock Companies" shall be deemed to be the registrar under the Act of Tynwald, the short title whereof is the Companies Act, 1865.

(6.) The expressions "court of summary jurisdiction," "police or stipendiary magistrate," and "two justices" shall respectively mean "a high bailiff or two justices of the peace."

(7.) The expression "Summary Jurisdiction Acts" shall mean the Act of Tynwald, the short title whereof is the Petty Sessions Act, 1864, and any Acts passed or to be passed amending the same.

(8.) References to the Lands Clauses Consolidation Acts or any of them shall be construed as references to the Act of Tynwald, the short title whereof is the Lands Clauses Act, 1871, and any Acts passed or to be passed amending the same.

(9.) The expression "Act of Parliament" in the Telegraph Act, 1878, shall include any Act of Tynwald and any resolution of the Tynwald Court confirming a provisional order for the taking of lands otherwise than by agreement, or authorising the taking of lands where any such resolution is authorised by Act of Tynwald or substituted for an Act.

(10.) The expression "indictment" shall include an information.

(11.) Any offence which by any of the Telegraph Acts is declared to be a misdemeanor in England or Ireland shall be a misdemeanor within the Isle of Man, and shall be punishable by imprisonment, with or without hard labour, for any term not exceeding twelve months.

(12.) All offences under the Telegraph Acts which are punishable on summary conviction may be prosecuted, and all fines and penalties under those Acts may be recovered, before a high bailiff or two justices of the peace at the instance of an officer of the post office or of a constable in accordance with the law for the time being in force for regulating the exercise of summary jurisdiction by such high bailiffs or justices.

26 & 27 Vict. c. 112.

(13.) The provisions contained in section four of the Telegraph Act, 1863, shall not apply to the Isle of Man.

(14.) Damages for the recovery of which no special provision is made by the Telegraph Acts, and any other matter the determination of which is referred to two justices by those Acts, shall be recovered and determined respectively before and by the Common Law Division of the High Court of Justice of the Isle of Man in accordance with the rules and regulations for the time being in force in relation to proceedings before that court, or such other rules and regulations as that court may prescribe.

(15.) With regard to any such difference as is referred to in section four of the Telegraph Act, 1878, a high bailiff of the Isle of Man shall have the same powers and authority as the police or stipendiary magistrate or judge of the county court mentioned in the said section.

(16.) Every summons and other legal process issued in the Isle of Man in reference to any offence or other matter arising under the Telegraph Acts or the Post Office Acts shall be deemed to be sufficiently served if served in the manner usually observed in the Isle of Man in the case of other legal process.

(17.) Section forty-three of the Post Office (Offences) Act, 1837, shall not apply to the Isle of Man, but any sum or sums of money due for postage from any person in the said Isle of Man shall be recovered in the said Isle as a debt due to the Crown.

Extension of 41 & 42 Vict. c. 76. to Isle of Man.

2. The Telegraph Act, 1878, shall extend to the Isle of Man.

Definition of Telegraph Acts.

3. In this Act the expression "Telegraph Acts" means the Telegraph Acts, 1863 to 1889, and any Acts of Parliament or parts of Acts of Parliament incorporated with those Acts or referred to therein, or any of them.

Short title and construction.

4. This Act shall be read as one with the Telegraph Acts, 1863 to 1885, and shall be deemed to be a Post Office Act within the meaning of the Post Office (Offences) Act, 1837, and this Act and the Telegraph Acts, 1863 to 1885, may be cited together as the Telegraph Acts, 1863 to 1889, and this Act may be cited separately as the Telegraph (Isle of Man) Act, 1889.

CHAPTER 35.

An Act to make provision for the Support and Maintenance of the Children of His Royal Highness Albert Edward, Prince of Wales. [12th August 1889.]

Most Gracious Sovereign,

WHEREAS Your Majesty has, by Your Majesty's most gracious message, signified your desire that Parliament should make competent provision for the honourable support and maintenance of Your Majesty's grandson Prince Albert Victor Christian Edward:

And whereas Your Majesty has, by Your Majesty's most gracious message, further signified that Your Majesty has agreed to a marriage proposed between Your Majesty's granddaughter Her Royal Highness Princess Louise Victoria Alexandra Dagmar and the Right Honourable the Earl of Fife:

Now therefore, we, Your Majesty's most dutiful and loyal subjects, the Commons of the United Kingdom of Great Britain and Ireland, in Parliament assembled, taking into consideration Your Majesty's gracious messages, and being desirous to prevent the necessity for repeated applications to Parliament on behalf of Your Majesty's family, and to establish the principle that the provision for children should hereafter be made out of grants adequate for that purpose which have been assigned to their parents, have cheerfully granted to Your Majesty the sum hereinafter mentioned; and we do most humbly beseech Your Majesty that it may be enacted, and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Grant of annuity out of Consolidated Fund.

1.—(1.) It shall be lawful for Her Majesty the Queen by letters patent under the Great Seal of the United Kingdom to grant to the Prince of Wales' trustees herein-after mentioned, the annual sum of thirty-six thousand pounds which shall determine on the expiration of six months after the death of Her Majesty, whom God long preserve.

(2.) The said annual sum shall be charged on and paid out of the Consolidated Fund or the growing produce thereof, and shall be paid quarterly. The first quarterly payment shall be made on the fifth day of October one thousand eight hundred and eighty-nine, and on the day after the said annual sum determines a proportionate part shall be paid in respect of the period since the last quarterly day of payment.

Application of annuity.

2.—(1.) The persons who are for the time being the First Commissioner of Her Majesty's Treasury, the Chancellor of the Exchequer, and the Comptroller of the Household and Treasurer of His Royal Highness the Prince of Wales shall be the Prince of Wales' trustees, and shall be a body corporate by that name, and any act of the trustees may be signified under the hands and seals of the persons who are the trustees for the time being.

(2.) The trustees shall hold the annual sum granted to them under this Act, and any accumulations of that sum, whether arising by investment or otherwise, in trust for all or any one or more of the children of His Royal Highness Albert Edward, Prince of Wales, in such shares and at such times and in such manner and subject to such conditions and powers of revocation (including, if it is thought fit, a condition against alienation) as His Royal Highness, with the sanction of Her Majesty the Queen, or in the event of His Royal Highness predeceasing Her Majesty, as Her Majesty may, from time to time, by order countersigned by the First Commissioner of Her Majesty's Treasury and the Chancellor of the Exchequer, appoint.

Short title.

3. This Act may be cited as the Prince of Wales's Children Act, 1889.

CHAPTER 36.

An Act to amend the Settled Land Act, 1882.
[12th August 1889.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Construction and short title.

1. This Act shall be construed as one with the Settled Land Acts, 1882 to 1887, and may be cited together with those Acts as the Settled Land Acts, 1882 to 1889, and separately as the Settled Land Act, 1889.

Option of purchase in building lease. 45 & 46 Vict. c. 38.

2. Any building lease, and any agreement for granting building leases, under the Settled Land Act, 1882, may contain an option, to be exercised at any time within an agreed number of years not exceeding ten, for the lessee to purchase the land leased at a price fixed at the time of the making of the lease or agreement for the lease, such price to be the best which having regard to the rent reserved can reasonably be obtained, and to be either a fixed sum of money or such a sum of money as shall be equal to a stated number of years purchase of the highest rent reserved by the lease or agreement.

Price to be capital money.

3. Such price when received shall for all purposes be capital money arising under the Settled Land Act, 1882.

CHAPTER 37.

An Act to amend the Companies Clauses Consolidation Act, 1888.
[12th August 1889.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited as the Companies Clauses Consolidation Act, 1889, and shall be construed together with the Companies Clauses Consolidation Act, 1888, as part thereof, and may be cited together with that Act and the Companies Clauses Consolidation Act, 1845, as the Companies Clauses Consolidation Acts, 1845, 1888, and 1889.

Amendment of s. 2. of 51 & 52 Vict. c. 48.

2. In line three of section two of the Companies Clauses Consolidation Act, 1888, the words "a member of" shall be repealed, and in every copy of that Act printed by the Queen's Printers after the passing of this Act those words shall be omitted.

CHAPTER 38.

An Act to remove Doubts as to the Validity of certain Marriages solemnised in Basutoland and in British Bechuanaland. [12th August 1889.]

WHEREAS doubts have been entertained as to the validity of certain marriages solemnised by ministers of the Christian religion in Basutoland and in British Bechuanaland, and it is expedient to remove those doubts:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Validation of certain marriages.

1. All marriages (both or one of the parties thereto being subjects or a subject of this realm) solemnised in the territory of Basutoland before the thirteenth day of May one thousand eight hundred and seventy, or in the territory of British Bechuanaland before the first day of October one thousand eight hundred and eighty-five, by any minister of religion of any denomination of Christians duly appointed or ordained, or reputed to be duly appointed or ordained, and which shall within three years after the passing of this Act have been registered at such place and in such manner as the High Commissioner in South Africa shall by proclamation to be made within six months after the passing of this Act prescribe, shall be as valid in law as if they had been solemnised within Her Majesty's dominions with a due observance of all forms required by law.

Provided that this Act shall not render valid any marriage which, before the passing of this Act, has been declared invalid by any court of competent jurisdiction, or affect any right dependent on the validity or invalidity thereof, or render valid any marriage either of the parties to which has, during the life of the other, lawfully intermarried with any other person.

Short title.

2. This Act may be cited as the Basutoland and British Bechuanaland Marriage Act, 1889.

* * *

CHAPTER 39.

An Act to amend and extend the Law relating to Judicial Factors and others in Scotland, and to unite the Offices of the Accountant of the Court of Session and the Accountant in Bankruptcy in Scotland. [12th August 1889.]

WHEREAS it is expedient to amend the Act twelfth and thirteenth Victoria, chapter fifty-one, intituled "An Act "of Parliament for the better protection of the property of pupils, "absent persons, and persons under mental incapacity in Scotland," herein-after called the Pupils Protection Act, 1849, and the Judicial Factors (Scotland) Act, 1880, and to put all judicial factors under the supervision of the accountant of court in Scotland:

12 & 13 Vict. c. 51.
43 & 44 Vict. c. 4.

And whereas it is expedient to unite the offices of accountant of the Court of Session in Scotland and accountant in bankruptcy in Scotland:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Appointment of accountant.
19 & 20 Vict. c. 79.

1. From and after the commencement of this Act, section nine of the Pupils Protection Act, 1849, and section one hundred and fifty-six of the Bankruptcy (Scotland) Act, 1856, shall be and are hereby repealed, and in lieu thereof it shall be lawful for Her Majesty and Her heirs and successors to appoint a person versant in law and accounts, to be called the accountant of court (herein-after referred to as the accountant), with such yearly salary, as may from time to time be fixed by the Commissioners of Her Majesty's Treasury, payable out of any moneys to be voted by Parliament for that purpose, and the accountant shall, subject to the approval of the Secretary for Scotland, appoint such number of clerks as may from time to time be necessary, and with such salaries as may be fixed by the Treasury, which salaries shall be paid out of any moneys to be voted by Parliament for that purpose.

No person, other than the accountant, herein-after appointed under the provisions of this section shall be entitled to superannuation unless he has been admitted to his office with a certificate from the Civil Service Commissioners: Provided that it shall be lawful for the Treasury, if and so far as they shall see fit, to grant superannuation to persons serving in the office of the accountant of the Court of Session or the accountant in bankruptcy at the passing of this Act, in all respects as if they had been admitted to their offices with such certificates.

Accountant to hold no other office.

2. The accountant to be appointed under this Act, and his successors in office, shall hold no other office, and shall not directly or indirectly, by himself or any partner, be engaged in or transact any business for profit other than the business devolving upon him as accountant of court.

Union of existing clerical staffs.

3. The existing clerical staffs of the offices of accountant of the Court of Session and accountant in bankruptcy shall be so united that each member thereof shall be liable to perform any duties which may be assigned to him by the accountant.

Compensation to accountant of Court of Session.

4. It shall be lawful for the Treasury to grant out of moneys to be provided by Parliament to the holder of the office of accountant of the Court of Session at the date of the passing of this Act such compensation on the abolition of his office as they shall think proper having reference to the tenure of his office, length of service, and all other circumstances of his case.

Pupils Protection and Bankruptcy Acts to apply to accountant.

5. The provisions of the Pupils Protection Act, and of the Bankruptcy Acts and Cessio Acts, relating to the accountant of the Court of Session and accountant in bankruptcy respectively, shall, so far as not altered by this Act, apply to the accountant to be appointed in terms of this Act and his successors in office.

All judicial factors to be under supervision of accountant.

6. In addition to the factors specified in the recited Act of 1849, the accountant shall superintend the conduct of all other factors and persons already appointed or to be appointed by the Court of Session or any of the lords ordinary in the said court, or by any of the sheriffs or sheriff substitutes in the several sheriff courts in Scotland, to hold, administer, or protect any property or funds belonging to persons or estates in Scotland; and all such factors and others, subject to such rules as may from time to time be made by Acts of sederunt as herein-after provided, shall be and hereby are made subject to the provisions affecting judicial factors of the said recited Act of 1849, and of any Acts amending the same, or in terms of the Judicial Factors (Scotland) Act, 1880, and of any Acts of sederunt made in terms of said Acts, and the accountant shall see that they duly observe all rules and regulations affecting them for the time: Provided that nothing in this section contained shall be held to apply to executors dative or to trustees appointed by the Court under the Trusts (Scotland) Acts, the Entail (Scotland) Act, 1882, or in virtue of any other power; but nothing in this section contained shall prevent trustees appointed by the court from availing themselves of the powers contained in section eighteen of this Act.

45 & 46 Vict. c. 53.

Penalties for misconduct.

7. Any person who in virtue of his office is subject to the provisions of this Act, and who fails to comply therewith, or who misconducts himself or fails in the discharge of his duties, shall be liable to the penalties imposed by section six of the Pupils Protection Act, 1849, or to any one or more of them as the court in its discretion shall decide.

Return of factors, &c. to be supplied to accountant by clerks of court, &c.

8. Immediately after the passing of this Act it shall be incumbent on such one or more of the depute or assistant clerks of session, or of the clerks in the office of the Bill Chamber or other qualified person or persons as shall be selected by the principal clerks of session with the approval of the Lord Advocate, to prepare under the supervision of the said principal clerks a return setting forth the following particulars applicable to all factors and other persons referred to in section six hereof appointed after the first day of January one thousand eight hundred and seventy, and to all factors and other persons under any factory constituted prior to said last-mentioned date in which proceedings have been taken in court since that date not embraced under the provisions of the Pupils Protection Act, 1849, the Judicial Factors (Scotland) Act, 1880, and the Bankruptcy Acts, and where the factories or other offices held by them still subsist, viz.:—(1) the date of the factor's appointment; (2) his name and designation; (3) the name of the estate on which he is factor; (4) the date of his lodging of the inventory, if lodged; (5) the date of the last petition for the audit of his accounts; (6) the latest date of the accounts so submitted to audit; (7) the date of the interlocutor approving of the accounts; and the said return, with the whole of the factors' inventories, accounts, and reports thereon, so far as lodged in process, shall be transmitted to the accountant on or before the thirtieth day of

June one thousand eight hundred and ninety, and it shall also be incumbent on the sheriff clerks to prepare the like returns applicable to all factors and other persons appointed in the sheriff courts, and not embraced under the provisions of the Pupils Protection Act, 1849, the Judicial Factors (Scotland) Act, 1880, and the Bankruptcy Acts.

Inventories, &c. to be lodged with accountant.

9. The accountant shall have power to require every factor and other such persons named in such return, unless evidence to his satisfaction is produced that the factories or other offices held by them have ceased to subsist, to lodge with him, within a period to be specified by him, a copy of the original inventory of the estate, copies of any reports on the audit of his accounts, and his accounts and vouchers if not in process from the latest date to which the same have been judicially approved of to a date to be fixed by the accountant, and the factor and other persons aforesaid shall be bound to comply with such requisition within the time specified, failing which the matter shall be reported by the accountant to the court by which such factor or other person was appointed.

Accountant in certain cases to apply for appointment of successor to factor deceased.

10. In the event of its being found that any factor or other person referred to in section six hereof has died undischarged or has ceased to discharge the duties of his office without anyone having been appointed in succession to him, unless the purposes of his appointment have, in the opinion of the accountant, been exhausted, it shall be the duty of the accountant, unless the persons interested in such factory or any of them shall make the application on his requisition, to apply to the court for the appointment of a factor in place of such factor or other person, and it shall be the duty of the factor so appointed to investigate the accounts of the former factor or other person aforesaid and to receive any balance due from his representatives or his cautioner or cautioners.

Factors loco tutoris to pupils to become curators on pupil attaining minority.

11. After the passing of this Act it shall not be necessary to apply for the appointment of a curator bonis to a minor whose estate has, up to the date of his becoming a minor, been administered by a duly appointed factor loco tutoris, and the said factor shall, ipso facto, become curator bonis to the said minor, and shall continue the administration of the estate until the majority of the said minor, or until he has himself chosen curators in the manner directed by law.

Audit of accounts.

12. In all cases coming for the first time under the supervision of the accountant he shall be required to audit the accounts from their commencement, and if for this purpose it shall appear to him to be necessary, he shall have power to remit such cases or any of them to such duly qualified persons as he may with the approval of the Lord Advocate select to audit, but all such audits shall be supervised by him, and he shall be responsible for the correctness thereof, and such persons shall be paid such remuneration for their services in such audit as the Lord Advocate with the approval of the Treasury shall determine, out of moneys to be provided by Parliament.

Provided always, that the accountant may, if he thinks fit, on the production of reports of a professional or official auditor in any case, accept such report as sufficient for the period up to the date thereof, and shall not be required to audit the said accounts for that period.

Funds, &c. furth of Scotland to be paid to factor, &c. on the production of official extract of appointment.

13. An official extract of the appointment of any judicial factor, trustee, tutor, curator, or other person judicially appointed and subject to the provisions of the recited Acts or of this Act, shall have throughout the British Dominions, as well out of Scotland as in Scotland, the full force and effect of an assignment or transfer, executed in legal and appropriate form, of all funds, property, and effects situated or invested in any part of the British dominions, and belonging to or forming part of the estate under his charge; and all debtors and others holding any such funds, property, or effects, shall be bound, on production of such official extract, to pay over, assign, or transfer the same to such judicial factor, trustee, tutor, curator, or other person.

Procedure before court.

14. All applications under this Act or any of the recited Acts shall, except as after mentioned and notwithstanding any provision in any of the recited Acts to the contrary, be dealt with in the manner directed by sections four, five, six, and ten of an Act passed in the twentieth and twenty-first year of the reign of Her Majesty, intituled "An Act to regulate the distribution of business "in the Court of Session in Scotland:" Provided always, that cases arising under the Bankruptcy Acts shall be dealt with in the manner directed by the said Acts.

20 & 21 Vict. c. 56.

Fees to be charged in bankruptcy cases.

15. The Court of Session shall, with the sanction of the Treasury, from time to time prescribe a scale of fees and percentages to be paid to the accountant for and in respect of proceedings under the Bankruptcy Acts and section eighteen of this Act, and the accountant shall annually prepare an account showing the receipts from bankruptcy cases to be laid before the Queen's and Lord Treasurer's Remembrancer, who is hereby required to examine and audit such account, and submit it thereafter to the Lord President of the Court of Session, with a view to the reconsideration by the court of the fees in use to be charged, and such fees shall be regulated, increased, or diminished as the court, with such sanction as aforesaid, shall think proper.

Fee fund to cease and future fees to be paid in stamps.

16. The fee fund established by section thirty-nine of the Pupils Protection Act, 1849, shall cease from the commencement of this Act, and any accumulated balance which may then exist shall be paid into Her Majesty's Exchequer, and thereafter all the fees payable in the office of the accountant shall be collected by means of stamps.

Commission or fees in bankruptcy cases not to be paid without approval of accountant.

17. Every trustee appointed under the Bankruptcy Acts shall intimate by circular to every creditor upon the estates under his charge, and also to the bankrupt, the deliverance of the commissioners fixing a commission or fee to be allowed to such trustee, and every such trustee and also every creditor and the bankrupt shall be entitled to appeal to the accountant against any such deliverance, and that within ten days of the issue of such circular, by addressing a note to the accountant stating his objections to such deliverance, and the trustee shall thereupon lay the deliverance of the commissioners and the account to which such deliverance applies before the accountant, and such commission or fee shall not be paid to the trustee, or entered in his account, until the accountant has intimated his approval of the commission or other payments sanctioned by the commissioners. In the event of the accountant not concurring with the commissioners, he shall intimate his objections and the grounds thereof to the trustee or bankrupt or creditor appealing, and shall indicate the sum he would suggest, and in the event of the trustee or bankrupt or creditor or the commissioners not acquiescing in this suggestion, the matter shall be reported forthwith by the accountant to the lord ordinary officiating on the bills in the Court of Session or to the sheriff, whose decision shall be final; and in the event of such appeal the procedure enacted under sections one hundred and twenty-seven, one hundred and thirty, one hundred and thirty-one, and one hundred and thirty-two of the Bankruptcy (Scotland) Act, 1856, shall, in cases to which such sections apply, be postponed till the decision is given in the appeal; and where the deliverance of the commissioners is altered, the trustee shall give effect to the alteration in his accounts, and the commissioners shall in such cases reconsider and declare, within eight days after the date of the decision, the amount to be divided among the creditors in terms of sections one hundred and twenty-five, one hundred and thirty, one hundred and thirty-one, and one hundred and thirty-two of the Bankruptcy (Scotland) Act, 1856, after taking such alteration into account, and the trustee shall within four days thereafter, and in cases where no alteration is made in the deliverance of the commissioners within eight days from the date of the decision, give the notice in the Gazette, and give the notifications to creditors directed by sections one hundred and twenty-seven, one hundred and thirty, and one hundred and thirty-two of the said Act. The provisions of this section shall not apply to trustees appointed under the Cessio Acts.

Testamentary trustees, &c. may apply to Court for superintendence order as to investment and distribution of estate.

18. Section one hundred and sixty-six of the Bankruptcy (Scotland) Act, 1856, shall be and is hereby repealed, and in lieu thereof be it enacted that where a person deceased has left a settlement appointing trustees or other persons with power to manage his estate, it shall be competent for such trustees or other persons to apply to the Court of Sessions for an order on the accountant to superintend their administration of the estate, in so far as it relates to the investment of the estate and the distribution thereof among the creditors of the deceased and the beneficiaries under the settlement, and the Court may grant such order accordingly; and, if such order be granted, the accountant shall annually examine and audit the accounts of such trustees or other persons, and at any time, if he thinks fit, he may report to the Court upon any question that may arise in the administration of the estate with regard to any of the aforesaid matters, and obtain the directions of the Court thereupon.

Application of 50 & 51 Vict. c. 18. to judicial factors.

19. The provisions of the Trusts (Scotland) Act, 1867, Amendment Act, 1887, shall apply to and include all trusts and trustees, as defined by the second section of the Trusts (Scotland) Amendment Act, 1884.

Application of s. 23 of 12 & 13 Vict. c. 51.

20. Section twenty-three of the Pupils Protection Act shall be held to apply to all factories brought under the supervision of the accountant by virtue of this Act.

Power to pass Acts of sederunt.

21. It shall be competent to the Court of Session, and they are hereby authorised and required, from time to time to pass such Acts of sederunt as shall be necessary or proper relating to all matters requisite for effectually carrying out the purposes of this Act.

Interpretation. 44 & 45 Vict. c. 22.

22. The expressions "Bankruptcy Acts" and "Cessio Acts" shall respectively have the meanings assigned to them by the fourth section of the Bankruptcy and Cessio (Scotland) Act, 1881.

Short title and commencement of Act.

23. This Act may be cited as the Judicial Factors (Scotland) Act, 1889, and shall take effect on and after the first day of January one thousand eight hundred and ninety.

CHAPTER 40.

An Act to promote Intermediate Education in Wales.

[12th August 1889.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Preliminary.

Short title and construction.

1. This Act may be cited for all purposes as the Welsh Intermediate Education Act, 1889, and shall, so far as is consistent with the tenour thereof, be construed as one with the Endowed Schools Acts, and may be cited together with those Acts as the Endowed Schools Acts, 1869 to 1889. This Act shall come into operation on the first day of November next after the passing thereof, which day is in this Act referred to as the commencement of this Act.

Purpose of Act.

2. The purpose of this Act is to make further provision for the intermediate and technical education of the inhabitants of Wales and the county of Monmouth.

Schemes for Intermediate Education.

Schemes by joint education committee.

3.—(1.) It shall be the duty of the joint education committee as herein-after mentioned of every county in Wales and of the county of Monmouth to submit to the Charity Commissioners a scheme or schemes for the intermediate and technical education of the inhabitants of their county, either alone or in conjunction with the inhabitants of any adjoining county or counties, specifying in each scheme the educational endowments within their county which in their opinion ought to be used for the purpose of such scheme.

(2.) A county council may recommend their committee to insert in such scheme a provision for a payment out of the county rate to an amount not exceeding that in this Act mentioned of the expenses of carrying into effect the scheme, or any particular part thereof, and such provision may accordingly, if it is thought fit, be inserted in the scheme.

(3.) Such scheme, if the Commissioners (after such examination or inquiry as mentioned in section thirty-two of the Endowed Schools Act, 1869) approve it, either without modification, or with such modifications as may be assented to by the joint education committee, shall be adopted and proceeded on by the Commissioners in the same manner as if it were a draft scheme originally prepared by themselves.

32 & 33 Vict. c. 56.

(4.) If the scheme is not so adopted by the Commissioners, it shall be deemed to be a scheme prepared and submitted by a governing body to the Commissioners within the meaning of section thirty-two of the Endowed Schools Act, 1869, and shall be dealt with accordingly.

(5.) Where a county council recommend a payment out of the county rate a scheme may be made in pursuance of this Act, although there is no other endowment.

(6.) The Charity Commissioners may, if they think fit, accept a joint scheme from two or more joint education committees.

(7.) A joint education committee may, instead of submitting a scheme, submit to the Charity Commissioners proposals for a scheme, and such proposals may include, if so recommended by the county council, a payment out of the county rate; and the Commissioners shall prepare a scheme for carrying into effect such proposals, either with or without modifications, but any modification to which the joint education committee do not assent shall be struck out of the scheme, and the scheme as so prepared, with the omission of any modification to which the joint education committee do not assent, shall be deemed for the purposes of this section to be a scheme submitted by a joint education committee to the Charity Commissioners, and the Commissioners shall proceed accordingly.

Restrictions on powers of joint education committee.

4.—(1.) A joint education committee shall not without the assent of the county council direct by their scheme any contribution to be made out of the county rate exceeding the amount recommended by the county council.

(2.) Where any part of the expenses of the establishment or maintenance of a school or of scholarships attached thereto is to be defrayed out of the county rate a scheme relating to such school shall provide that the county council shall be adequately represented on the governing body of such school.

(3.) Where a scheme under this Act does not relate to a school maintained out of the endowment, or forming part of the foundation of any cathedral or collegiate church, or where a scheme under this Act does not relate to any other educational endowment which by section nineteen of the Endowed Schools Act, 1869, is excepted from the foregoing provisions of that Act therein mentioned, such scheme shall, in addition to the provisions of section fifteen of the said Act, provide that no religious catechism or religious formulary which is distinctive of any particular denomination shall be taught to a scholar attending as a day scholar at the school established or regulated by the scheme, and that the times for prayer or religious worship or for any lesson or series of lessons on a religious subject shall be conveniently arranged for the purpose of allowing the withdrawal of a day scholar therefrom in accordance with the said section fifteen.

(4.) Where any power of appeal to the Queen in Council, or power to present a petition praying that a scheme may be laid before Parliament, is given by the Endowed Schools Acts to any persons or body of persons in relation to any endowment, a like power may be exercised by a county council required by the scheme to contribute a sum out of the county rate, or by a joint education committee in relation to any matter which has been introduced into the scheme against the wishes of the county council or committee, as the case may be, as expressed in objections sent in writing to the Charity Commissioners before the scheme was submitted by those Commissioners for the approval of the Education Department.

Constitution and Powers of Joint Education Committee.

Establishment of joint education committee.

5. For the purposes of this Act there shall be appointed in every county in Wales and in the county of Monmouth a joint education committee of the county council of such county consisting of three persons nominated by the county council, and two persons, being persons well acquainted with the conditions of Wales and the wants of the people, preference being given to residents within the county for which such joint committee is to be appointed, nominated by the Lord President of Her Majesty's Privy Council. Any vacancy in the joint education committee among the persons appointed by the county council may be filled up by the county council, and any vacancy among the persons nominated by the Lord President may be filled up by the Lord President.

Transaction of business by and proceedings of joint education committee.

6.—(1.) Sub-sections one and two of section eighty-two of the Local Government Act, 1888, respecting the proceedings of committees of county councils, shall apply to proceedings of the joint education committee of a county council under this Act, but the acts and proceedings of the committee shall not be required to be submitted to the county council for their approval.

(2.) The county council shall make proper provision for enabling the committee to transact its business, and the clerk of the county council shall act as the clerk of the joint education committee. Any act of the committee may be signified under the hands of any three members thereof or under the hand of the clerk.

(3.) Any of the assistant commissioners of the Charity Commissioners shall be at liberty to attend any meeting of a joint education committee, and to take part in the proceedings, but shall not have a right to vote.

Contributions from county rate.

7.—(1.) Where a county council has recommended that any scholarship should be paid out of the county rate a scheme under this Act may contain provisions to that effect.

(2.) Where a county council has recommended that any annual contribution should be made out of the county rate a scheme under this Act may direct the contribution so recommended or any less contribution to be made accordingly, and shall specify the persons to whom the contribution so directed to be made is from time to time to be paid.

(3.) The recommendation of a county council in respect of a contribution out of the county rate, and a scheme giving effect to such recommendation, may provide that such contribution shall be either a fixed annual sum, or an annual sum not exceeding a certain amount, such amount to be determined annually in manner specified in the scheme.

(4.) The annual contribution to be paid to any school out of the county rate in pursuance of any scheme shall not exceed the amount stated in such scheme, but may be reduced by an amending scheme made on the application of the county council or of the governing body of such school.

Finance.

Expenses of county council.

8.—(1.) Where a scheme under this Act providing for a contribution out of a county rate comes into operation, the amount from time to time payable out of the county rate in pursuance of such scheme shall be paid by the county council out of the county fund.

(2.) That amount and any expenses otherwise incurred by a county council in pursuance of this Act shall be paid as general expenses of the county council.

(3.) The addition made to the county rate in any county for the purpose of defraying contributions for intermediate and technical education under this Act shall not in any year exceed one halfpenny in the pound, on the aggregate amount of the rateable value of the property in the county, as ascertained for the purpose of the levy of the county contributions.

(4.) Every increase of rate levied under this section shall, in all precepts for the levy thereof, be described as a separate item of rate, and when collected from the individual ratepayers shall be specified as a separate item of rate.

Contribution from Treasury.

9.—(1.) The Commissioners of Her Majesty's Treasury shall annually out of moneys provided by Parliament pay in aid of each school aided by the county and subject to a scheme made under this Act such sums as herein-after mentioned.

(2.) The sums to be so paid shall depend on the efficiency of the schools aided by the county, as ascertained by such annual inspection and report as may be required by the regulations from time to time made by the Treasury for the purposes of this section, and shall be of such amounts as may be fixed by those regulations, and shall be paid in manner provided by those regulations.

(3.) The aggregate amount of the sums paid by the Commissioners of Her Majesty's Treasury in any year in respect of the schools in any county shall not exceed the amount payable in that year in pursuance of this Act out of the county rate.

(4.) The Treasury may from time to time make, and, when made, vary and revoke, regulations for the purposes of this section.

Power to Public Works Loan Com-

10. The purposes for which the governing body of a school may be authorised in pursuance of this Act to borrow money shall be missioners to lend.

purposes for which the Public Works Loan Commissioners may lend to such governing body.

Supplemental Provisions.

Duration of powers of joint education committee, and suspension of powers ot Charity Commissioners.

11. The powers conferred by this Act on a joint education committee shall not, unless Parliament otherwise directs, be exercised by the committee after the expiration of three years from the date of the commencement of this Act, and, during the continuance of the powers of the committee under this Act, all powers which otherwise might have been exercised by the Charity Commissioners of making, establishing, or submitting (independently of any scheme submitted by the joint education committee) a scheme for the administration of any educational endowments within the county of such committee, shall, except with the consent of the Education Department, be suspended, and not be exercised by them in relation to such endowments. Nothing in this Act shall prevent any proceedings under the Endowed Schools Acts in relation to any scheme of which a draft has been prepared, published, and circulated before the commencement of this Act, in pursuance of sections thirty-two and thirty-three of the Endowed Schools Act, 1869, and such scheme may be proceeded with, submitted for approval, and come into operation as if this Act had not passed.

Description of endowments applicable to purpose of Act.

12.—(1.) An educational endowment within the county of a joint education committee means any educational endowment which is applied in the county or is appropriated for the benefit of the natives or inhabitants of the county, or of some of such natives or inhabitants, or their children, or where the benefits of such endowment are divisible between two counties or between the counties in Wales and the county of Monmouth, or any of them, and any place outside of Wales and the county of Monmouth, then means so much of the endowment as the Charity Commissioners may determine to be applicable for the benefit of the county of the joint education committee.

33 & 34 Vict. c. 75.
36 & 37 Vict. c. 87.

(2.) Any school or endowment of a school to which section seventy-five of the Elementary Education Act, 1870, applies, and any endowed school to which section three of the Endowed Schools Act, 1873, applies, shall, if the school is in the county of a joint education committee under this Act, be for the purposes of the Endowed Schools Acts and this Act an educational endowment and endowed school within the county of such committee.

Construction of Act in relation to endowments applicable to purposes thereof.

13. For the purposes of any scheme under this Act every notice relating to the scheme shall be sent to the joint education committee concerned therein in like manner as if they were a governing body, and such committee shall, during the duration of their powers under this Act, have the same power of applying to the Charity Commissioners with respect to any educational endowment within their county as if they were the governing body of that endowment. Nothing in this Act shall authorise the making of any scheme interfering with—

(1.) Any endowment given either by present gift made subsequently to the passing of the Endowed Schools Act, 1869, or by the will of a testator who died subsequently to the passing of the said Act, unless the founder or governing body of such endowment assents to the scheme.

In the case of an endowment or part of an endowment given either by present gift made subsequently to the passing of the Endowed Schools Act, 1869, or by the will of a testator who died subsequently to the passing of the said Act, sections twenty-five and twenty-six of the said Act shall for the purposes of a scheme under this Act, and subject to the provisions of this Act, apply in like manner as if the same and any older endowment or part of an endowment were respectively in the said sections substituted for an endowment or part of an endowment originally given to charitable uses less or more than fifty years before the commencement of the said Act.

Exemption of schemes from certain provisions of Endowed Schools Acts.

14. Nothing in the Endowed Schools Acts which is inconsistent with any of the provisions of this Act shall apply in the case of any scheme under this Act, but subject to this enactment the powers conferred by this Act shall be in addition to, and not in derogation of, the powers under the said Act.

Report by Charity Commissioners.

15. The Charity Commissioners shall in every year cause to be laid before both Houses of Parliament a report of the proceedings under this Act during the preceding year.

Application of Act to counties and county boroughs. 51 & 52 Vict. c. 41.

16.—(1.) In this Act the expression "county" means an administrative county as defined in the Local Government Act, 1888, and includes a county borough within the meaning of that Act; and the expression "county council" includes the council of a county borough.

(2.) Any sums payable by the council of a county borough in pursuance of this Act shall be paid out of the borough fund or borough rate.

General definitions.

17. In this Act unless there is something in the context inconsistent therewith—

The expression "intermediate education" means a course of education which does not consist chiefly of elementary instruction in reading, writing, and arithmetic, but which includes instruction in Latin, Greek, the Welsh and English language and literature, modern languages, mathematics, natural and applied science, or in some of such studies, and generally in the higher branches of knowledge, but nothing in this Act shall prevent the establishment of scholarships in higher or other elementary schools;

The expression "technical education" includes instruction in—

(i.) Any of the branches of science and art with respect to which grants are for the time being made by the Department of Science and Art;

(ii.) The use of tools, and modelling in clay, wood, or other material;

(iii.) Commercial arithmetic, commercial geography, book-keeping, and shorthand;

(iv.) Any other subject applicable to the purposes of agriculture, industries, trade, or commercial life and practice, which may be specified in a scheme, or proposals for a scheme, of a joint education committee as a form of instruction suited to the needs of the district;

but it shall not include teaching the practice of any trade, or industry, or employment.

32 & 33 Vict. c. 56. 36 & 37 Vict. c. 87. 37 & 38 Vict. c. 87.

The expression "Endowed Schools Acts" means the Endowed Schools Acts, 1869, 1873, and 1874;

The expression "Education Department" means the Lords of the Committee of Her Majesty's Privy Council on Education;

The expression "Charity Commissioners" means the Charity Commissioners for England and Wales;

The expression "scholarship" includes exhibition or other educational emolument;

The expression "parent" includes guardian and every person who is liable to maintain or has the actual custody of a child;

The expression "scheme under this Act" means a scheme under the Endowed Schools Act as amended by this Act.

CHAPTER 41.

An Act to amend the Acts relating to Lunatics.

[26th August 1889.]

WHEREAS it is expedient to amend the law relating to lunatics:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title, commencement, and extent.

1.—(1.) This Act may be cited as the Lunacy Acts Amendment Act, 1889, and shall come into operation, save as in this Act otherwise expressly provided, on the first day of May one thousand eight hundred and ninety, herein-after referred to as the commencement of this Act.

(2.) Save as in this Act otherwise expressly provided, this Act shall not extend to Scotland or Ireland.

Private patients to be received only under order of county court judge, magistrate, or justice.

2.—(1.) Subject to the exceptions in this Act mentioned, no person, not being a pauper or a criminal lunatic and not being a lunatic so found by inquisition, shall be received and detained as a lunatic in any asylum, hospital, or licensed house, or as a single patient, unless under a reception order made by a judge of county courts or magistrate, or by a justice of the peace, specially appointed as herein-after provided, having respectively jurisdiction in the place where the lunatic is. No relative of the person applying for an order under this section or of the lunatic, or of the husband or wife of the lunatic, shall be capable of making such order.

Forms 1, 2, 8.

(2.) The order shall be obtained upon a private application by petition accompanied by a statement of particulars and by two medical certificates on separate sheets of paper under the hands of two medical practitioners.

3.—(1.) The petition shall be presented, if possible, by the husband or wife or by a relative of the alleged lunatic. If not so presented it shall contain a statement of the reasons why the petition is not so presented and of the connexion of the petitioner with the alleged lunatic, and the circumstances under which he presents the petition.

Petition for order for reception. Form 1.

(2.) No person shall present a petition unless he is at least twenty-one years of age and has within fourteen days before the presentation of the petition personally seen the alleged lunatic.

(3.) The petitioner shall in the petition undertake that he will personally, or by some one specially appointed by him, visit the patient once at least in every six months; and the undertaking shall be recited in the order.

(4.) The petition shall be signed by the petitioner and the statement of particulars by the person making the statement.

Form 2.

(5.) One of the medical certificates accompanying the petition shall, whenever practicable, be under the hand of the usual medical attendant if any (being a medical practitioner) of the alleged lunatic. If for any reason it is not practicable to obtain a certificate from such usual medical attendant, the reason shall be stated in writing by the petitioner to the judge, magistrate, or justice to whom the petition is presented, and such statement shall be deemed to be part of the petition.

(6.) No order shall be made upon a petition under this section, unless each of the persons who sign the medical certificates accompanying the petition shall, separately from the other, have personally examined the person to whom the petition relates not more than seven clear days previously to the date of the presentation of the petition.

4.—(1.) Upon the presentation of the petition the judge, magistrate, or justice shall consider the allegations in the petition and statement of particulars and the evidence of lunacy appearing by the medical certificates, and whether it is necessary for him personally to see and examine the alleged lunatic; and, if he is satisfied that an order may properly be made forthwith, he may make the same accordingly; or, if not so satisfied, he shall appoint as early a time as practicable, not being more than seven days after the presentation of the petition, for the consideration thereof; and he may make such further or other inquiries of or concerning the alleged lunatic as he may think fit; notice of the time and place appointed for the consideration of the petition (unless personally given to the petitioner) shall be sent to the petitioner by post in a registered letter addressed to him at his address as given in the petition.

Procedure upon petition for an order for reception. Form 3.

(2.) The judge, magistrate, or justice, if not satisfied with the evidence of lunacy appearing by the medical certificates, may, if he shall think it necessary so to do, visit the alleged lunatic at the place where he may happen to be.

(3.) The judge, magistrate, or justice shall have the same jurisdiction and powers as regards the summoning and examination of witnesses, the administration of oaths, and otherwise, as if he were acting in exercise of his ordinary jurisdiction, and shall be assisted, if he so requires, by the same officers, as if he were so acting, and their assistance under this Act shall be considered in fixing their remuneration.

(4.) The petition shall be considered in private, and no one except the petitioner, the alleged lunatic (unless the judge, magistrate, or justice in his discretion otherwise order), any one person appointed by the alleged lunatic for that purpose, and the persons signing the medical certificates accompanying the petition, shall, without the leave of the judge, magistrate, or justice, be present at the consideration thereof.

(5.) At the time appointed for consideration of the petition the judge, magistrate, or justice may make an order thereon or dismiss the same, or, if he shall think fit, may adjourn the same for any period not exceeding fourteen days for further evidence or information, and he may give notice to such persons as he may think fit of the adjourned consideration, and summon any persons to attend before him.

(6.) Every judge, magistrate, and justice, and all persons admitted to be present at the consideration of any petition for a reception order, or otherwise having official cognisance of the fact that a petition has been presented, except the alleged lunatic and the person appointed by the alleged lunatic as aforesaid, shall be bound to keep secret all matters and documents which may come to his or their knowledge by reason thereof, except when required to divulge the same by lawful authority.

Dismissal of petition.

5.—(1.) If the petition is dismissed, the judge, magistrate, or justice shall deliver to the petitioner a statement in writing under his hand of his reasons for dismissing the same, and shall send a copy of such statement to the Commissioners, and shall also, where the alleged lunatic is detained under an urgency order, send notice by post or otherwise to the person in whose charge the alleged lunatic is, that the petition has been dismissed.

(2.) Any judge, magistrate, or justice making or refusing a reception order, shall, if so required by the Commissioners, give to them all such information as they may require as to the circumstances under which the order was made or refused.

(3.) The Commissioners may communicate such information as they think proper, on the dismissal of the petition or the release of the alleged lunatic, to him or to any person who may satisfy them that he is a proper person to receive the information.

(4.) If after a petition has been dismissed another petition is presented as to the same alleged lunatic, the person presenting such other petition, so far as he has any knowledge or information with regard to the previous petition and its dismissal, shall state the facts relating thereto in his petition, and shall obtain from the Commissioners at his own expense, and present with his petition, a copy of the statement sent to them of the reasons for dismissing the previous petition, and, if he wilfully omits to comply with this sub-section, he shall be guilty of a misdemeanor.

Orders for reception. Form 3.

6.—(1.) A reception order, if the same appears to be in conformity with this Act, shall be sufficient authority for the petitioner or any person authorised by him to take the lunatic and convey him to the place mentioned in such order and for his reception and detention therein, and the order may be acted on without further evidence of the signature or of the jurisdiction of the person making the order.

(2.) The order, together with the petition, statement of particulars, and medical certificates upon which the order was made, shall be delivered or sent by post to the person on whose petition the order was made, and shall by him or his agent be delivered to the superintendent or proprietor of the asylum, hospital, or licensed house in which, or to the person by whom, the lunatic is to be received.

(3.) A reception order shall not continue in force unless the lunatic has been taken or received thereunder before the expiration of seven clear days from its date.

Certain provisions of Lunacy Acts applied and excepted.

7.—(1.) The person upon whose petition a reception order has been made shall, with reference to the lunatic to whom the order relates, have and be subject to all such authorities, powers, obligations, and liabilities as are by the Lunacy Acts conferred or imposed upon the person signing an order for the reception of a lunatic not being a pauper.

16 & 17 Vict. c. 96. ss. 4, 8. 16 & 17 Vict. c. 97. s. 74.

(2.) The provisions of sections four and eight of the Lunacy Act, 1853, and section seventy-four of the Lunatic Asylums Act, 1853, prohibiting the reception of a private patient unless the medical practitioners who sign the certificates accompanying the order for his reception have personally examined him not more than seven clear days previously to his reception, shall not apply to an order made upon a petition under this Act.

16 & 17 Vict. c. 97. s. 68.

(3.) The provisions of this Act as to reception orders shall not affect the provisions of section sixty-eight of the Lunatic Asylums Act, 1853, as to lunatics or alleged lunatics, not paupers, who are wandering at large.

Urgency orders.

Form 4.

8.—(1.) In cases of urgency where it is expedient, either for the welfare of a person (not a pauper) alleged to be a lunatic or for the public safety, that the alleged lunatic should be forthwith placed under care and treatment, he may be received and detained in an asylum, hospital, or licensed house, or as a single patient upon an urgency order, made (if possible) by the husband or wife or by a relative of the alleged lunatic, accompanied by one medical certificate under the hand of a medical practitioner.

(2.) No person shall be received under an urgency order under this section unless the medical practitioner who signs the certificate accompanying the order has personally examined the person to whom the certificate relates not more than two clear days previously to the reception of such person, and states the date of such examination in the certificate.

(3.) An urgency order may be signed before or after the medical certificate.

(4.) If an urgency order is not signed by the husband or wife or by a relative of the alleged lunatic, the order shall contain a statement of the reasons why the same is not so signed and of the connexion with the alleged lunatic of the person signing the order, and the circumstances under which he signs the same.

(5.) No person shall sign an urgency order unless he is at least twenty-one years of age and has within two days before the date of the order personally seen the alleged lunatic.

(6.) An urgency order may be made as well after as before a petition for a reception order has been presented or an application made to the Judge in Lunacy, in cases where the reception order is to be made by the Judge in Lunacy under this Act. An urgency order, if made before a petition has been presented, shall be referred to in the petition, and if made after the petition has been presented, a copy thereof shall forthwith be sent by the petitioner to the judge, magistrate, or justice to whom the petition has been presented.

(7.) An urgency order shall remain in force for seven days from its date; or if a petition for a reception order or application to the Judge in Lunacy is pending, then until the petition or application is finally disposed of.

(8.) An urgency order accompanied by such medical certificate as aforesaid, if the same respectively appear to be in conformity with this Act, shall be sufficient authority for taking the lunatic and conveying him to the place mentioned in the order, and for his reception and detention therein.

Form 2.

(9.) An urgency order shall have subjoined or annexed thereto a statement of particulars.

Right of lunatic to be examined by judge, magistrate, or justice.

9.—(1.) When a lunatic has been received as a private patient under an order of a judge of county courts, magistrate, or justice, without a statement in the order that the patient has been personally seen by such judge, magistrate, or justice, the patient shall have the right to be taken before or visited by a judge, magistrate, or justice, other than the judge, magistrate, or justice who made the order, unless the medical superintendent of the asylum or hospital, or the medical proprietor or attendant of the house, or, in the case of a single patient, his medical attendant, within twenty-four hours after reception, in a certificate signed and sent to the Commissioners, shall state that the exercise of such right would be prejudicial to the patient.

Form 5.

(2.) Where no such certificate has been signed and sent, the superintendent or proprietor of the asylum, hospital, or house in which the patient is, or the person having charge of him as a single patient, shall, within twenty-four hours after reception, give to the patient a notice in writing of his right under this section, and shall ascertain whether he desires to exercise the right; and if he, within seven days after his reception, expresses his desire to exercise the right, such superintendent, proprietor, or person shall procure him to sign a notice of such desire, and shall forthwith transmit it by post in a registered letter to the judge, magistrate, or justice, who is to exercise the jurisdiction under this section, or to the justices clerk of the petty sessional division or borough, where the lunatic is, to be by him transmitted to such judge, magistrate, or justice, and the judge, magistrate, or justice shall thereupon arrange, as soon as conveniently may be, either to visit the patient or to have him brought before him by the superintendent, proprietor, or person as the judge, magistrate, or justice may think fit.

Form 6.

Form 7.

(3.) The judge, magistrate, or justice shall be entitled, if he desires so to do, to see the medical certificates and any other documents, upon the consideration of which the reception order was made, and shall after personally seeing the patient send to the Commissioners a report, and the Commissioners shall take such steps as may be necessary to give effect to the report.

(4.) For the purposes of this section the jurisdiction shall be exercised by any judge, magistrate, or justice having authority to act in the place where the person received is, and not being the judge, magistrate, or justice who made the reception order; and arrangements shall for that purpose from time to time be made amongst themselves by the persons having such authority as aforesaid.

(5.) If any superintendent of an asylum or hospital, or any superintendent or proprietor of a licensed house, or any person having charge of a single patient, omits to perform any duty imposed upon him by this section, he shall be guilty of a misdemeanor.

Appointment of justices to make orders for reception of lunatics.

10.—(1.) The justices of every county and quarter sessions borough, at their Michaelmas quarter and special sessions respectively, to be held in the year one thousand eight hundred and eighty-nine and in every succeeding year, shall appoint out of their own body as many fit and proper persons as they may deem necessary to exercise during the ensuing year within the county and borough respectively, the powers conferred by this Act upon justices of the peace in relation to orders for the reception of lunatics not being paupers. In making such appointments the justices of every county shall have regard to the convenience of the inhabitants of each petty sessional division thereof.

(2.) If in any year such appointments are not made, it shall be lawful for the Lord Chancellor, by writing under his hand, to make the same; and if, on any representation made to him that the number of justices so appointed for any county or borough is at any time insufficient, the Lord Chancellor shall be satisfied that such representation is well founded, he shall have power to appoint, by writing under his hand, any other justices of such county or borough to act, until the next Michaelmas quarter or special sessions, with the justices so appointed.

(3.) If in the case of a borough, not having a separate quarter sessions, representation is made to the Lord Chancellor that public inconvenience is likely to result, unless power is given to the justices of such borough to exercise within the same the powers conferred by this Act upon justices of the peace in relation to orders for the reception of lunatics not being paupers, it shall be lawful for the Lord Chancellor from time to time, with or without a fresh representation, to nominate and appoint, by writing under his hand, one or more of the justices of such borough to exercise within the same during such time as the Lord Chancellor shall think fit the powers aforesaid, together with any other specially appointed justices acting therein.

(4.) In the case of the death, absence, inability or refusal to act of any justice appointed under this section, the justices of the county or borough, or the Lord Chancellor, as the case may be, may appoint a justice to act in his place.

(5.) All appointments of justices under this section shall be recorded by the clerk of the peace of the county or borough, or in the case of a borough, not having a separate quarter sessions, by the clerk to the justices, and it shall be the duty of every such clerk to publish the names of the justices so appointed in each petty sessional division of the county and otherwise for the information of all persons interested.

(6.) For the purposes of this section "county" does not include a county of a city or a county of a town (except the city of London), but includes any county, riding, division, part or liberty of a county having a separate court of quarter sessions, and "borough" means a borough subject to the Municipal Corporations Act, 1882.

45 & 46 Vict. c. 50.

Ordinary jurisdiction of judge, &c. not to be interfered with.

11. A judge of county courts and magistrate shall not be required to exercise any powers under this Act so as to interfere with or delay the exercise of his ordinary jurisdiction.

Protection to persons signing and carrying out orders, reports, and certificates.

12.—(1.) A person who before the passing of this Act has signed or carried out or done any act with a view to sign or carry out an order purporting to be a reception order, or a medical certificate that a person is of unsound mind, and a person who after the passing of this Act presents a petition for any such order, or signs or carries out or does any act with a view to sign or carry out an order purporting to be a reception order, or any report or certificate purporting to be a report or certificate under this Act, or does anything in pursuance of this Act, shall not be liable to any civil or criminal proceedings, whether on the ground of want of jurisdiction, or on any other ground, if such person has acted in good faith and with reasonable care.

(2.) If any proceedings are taken against any person for signing or carrying out or doing any act with a view to sign or carry out any such order, report, or certificate, or presenting any such petition as in the last preceding sub-section mentioned, or doing anything in pursuance of this Act, such proceedings may, upon summary application to the High Court of Justice or a Judge thereof, be stayed upon such terms as to costs and otherwise as the Court or Judge may think fit, if the Court or Judge is satisfied that there is no reasonable ground for alleging want of good faith or reasonable care.

(3.) This section shall come into force immediately after the passing of this Act.

Lunatics not under proper care and control or cruelly treated or neglected.

13.—(1.) Every constable, relieving officer, and overseer of a parish, who has knowledge that any person within the district or parish of the constable, relieving officer, or overseer, who is not a pauper and not wandering at large, is deemed to be a lunatic and is not under proper care and control, or is cruelly treated or neglected by any relative or other person having the care or charge of him, shall within three days after obtaining such knowledge give information thereof upon oath to a justice specially appointed under this Act.

(2.) Any specially appointed justice upon the information on oath of any person whomsoever, that a person within the limits of his jurisdiction, not a pauper and not wandering at large, is deemed to be a lunatic and is not under proper care and control, or is cruelly treated or neglected as aforesaid, may himself visit the alleged lunatic, and shall, whether making such visit or not, direct and authorise any two medical practitioners whom he shall think fit to visit and examine the alleged lunatic and to certify their opinion as to his mental state, and the justice shall proceed in the same manner so far as possible, and have as to the alleged lunatic the same powers, as if a petition for a reception order had been presented by the person by whom the information with regard to the alleged lunatic has been sworn.

(3.) If upon the certificates of the medical practitioners who examine the alleged lunatic, or after such other and further inquiry as the justice may think necessary, he is satisfied that the alleged lunatic is a lunatic, and is not under proper care and control, or is cruelly treated or neglected by any relative or other person having the care or charge of him, and that he is a proper person to be taken charge of and detained under care and treatment, the justice may, by order direct the lunatic to be received and detained in any asylum to which, if a pauper, he might be sent under the Lunatic Asylums Act, 1853, or (where by that Act authorised) in a hospital or licensed house, and the constable, relieving officer, or overseer upon whose information the order has been made, or any constable whom the justice may require so to do, shall forthwith convey the lunatic to the asylum, hospital, or licensed house named in the order.

Form 15.
16 & 17 Vict. c. 97.

(4.) A justice making an order under this section may suspend the execution of the order for such period not exceeding fourteen days as he may think fit, and in the meantime may give such directions or make such arrangements for the proper care and control of the lunatic as he may consider proper.

(5.) If either of the medical practitioners who examines an alleged lunatic under this section certifies in writing that the lunatic is not in a fit state to be removed, the removal shall be suspended until the same or some other medical practitioner certifies in writing that the lunatic is fit to be removed; and every medical practitioner who has certified that the lunatic is not in a fit state to be removed shall, as soon as in his judgment the lunatic is in a fit state to be removed, be bound to certify accordingly.

(6.) This section shall not restrain or prevent any relative or friend from retaining or taking care of a lunatic as to whom an order might be or has been made under this section, if the relative or friend satisfies the justice before whom the information as to the lunatic has been sworn, that he will be properly taken care of.

(7.) A constable, relieving officer, or overseer whose duty it is to lay an information under this section may exercise the powers conferred by section two of the Lunacy Act, 1885, as if it were his duty to lay such information under the Lunatic Asylums Act, 1853, and the powers conferred by section three of the Lunacy Act, 1885, may be exercised by any justice in any case where an order might be made by him under this section.

48 & 49 Vict. c. 52.

Fresh order and certificates not to be required in certain cases.

14.—(1.) Where a reception order has been made, and the execution of the order has been suspended, or the lunatic named in the order has been taken to a workhouse under section three of the Lunacy Act, 1885, he may be received in the asylum, hospital, or house at any time within fourteen days after the date of the reception order without a fresh order or certificates.

(2.) If the removal of the lunatic has been suspended by reason of a medical certificate that the lunatic is not in a fit state for removal, the lunatic may be received in the asylum, hospital, or house within three days after the date of a medical certificate that the lunatic is in a fit state to be removed.

Persons disqualified from signing certificates.

15. A medical certificate accompanying a petition for a reception order or accompanying an urgency order, shall not be signed by the petitioner or person signing the urgency order, or by the husband or wife, father or father-in-law, mother or mother-in-law, son or son-in-law, daughter or daughter-in-law, brother or brother-in-law, sister or sister-in-law, partner or assistant of such petitioner or person.

Patients not to be received under certificates by interested persons.

16.—(1.) No person shall be received or detained as a lunatic in any asylum, hospital, or licensed house, or as a single patient, where any certificate accompanying the reception order has been signed by any of the following persons:

(*a.*) The superintendent or proprietor of the asylum, hospital, or house, or the person who is to have charge of the single patient:

(*b.*) Any person interested in the payments on account of the patient:

(*c.*) Any regular medical attendant in the asylum, hospital, or house:

(*d.*) The husband or wife, father or father-in-law, mother or mother-in-law, son or son-in-law, daughter or daughter-in-law, brother or brother-in-law, sister or sister-in-law, or the partner or assistant of any of the foregoing persons.

(2.) Neither of the persons signing the medical certificates in support of a petition for a reception order, shall be the father or father-in-law, mother or mother-in-law, son or son-in-law, daughter or daughter-in-law, brother or brother-in-law, sister or sister-in-law, or the partner or assistant, of the other of them.

(3.) No person shall be received as a lunatic in a hospital under an order made on the application of, or under a certificate signed by, a member of the managing committee of the hospital.

(4.) The superintendent and proprietor of any asylum, hospital, or house, and any person having charge of a single patient, who knowingly receives a person as a lunatic contrary to the provisions of this Act shall be guilty of a misdemeanor.

Medical certificate. Form 8. Form 9.

17.—(1.) Every medical certificate shall be signed by the person making the same.

(2.) Every medical certificate accompanying an urgency order shall contain a statement, that it is expedient for the welfare of the alleged lunatic or for the public safety that he should be forthwith placed under care and treatment, with the reasons for the statement.

(3.) Every medical certificate made under and for the purposes of this Act shall be evidence of the facts therein appearing and of the judgment therein stated to have been formed by the certifying medical practitioners on such facts, as if the matters therein appearing had been verified on oath.

Order for reception of lunatic so found by inquisition.

18. Where a person has been found lunatic by inquisition, but no committee of the person has been appointed, an order under the hand of one of the Masters in Lunacy shall be sufficient authority for the reception of the lunatic into an asylum, hospital, or licensed house, or as a single patient.

Persons disqualified from signing orders as to paupers.

19. After the commencement of this Act no pauper shall be received as a lunatic into any asylum, hospital, or licensed house under an order under the hands of an officiating clergyman and overseer or relieving officer.

When lunatic may be treated as a pauper.

Form 12.

16 & 17 Vict. c. 97.

20. After the commencement of this Act a justice of the peace shall not sign an order for the reception of any person as a pauper lunatic into an asylum, hospital, licensed house, or workhouse unless the justice is satisfied that the alleged pauper is either in receipt of relief or in such circumstances as to require relief for his proper care. If it shall appear by the order that the justice is so satisfied, such lunatic shall be deemed to be a pauper chargeable to the union, county, or borough properly liable for his relief, under the Lunatic Asylums Act, 1853. A person who is visited by a medical officer of the union at the expense of the union is for the purposes of this section to be deemed to be in receipt of relief.

Lunatics in workhouses. 48 & 49 Vict. c. 52.

Form 10.

21.—(1.) Except in the cases mentioned in the Lunacy Act, 1885, and this Act, no person shall be allowed to remain in a workhouse as a lunatic unless the medical officer of the workhouse certifies in writing—

(*a.*) that such person is a lunatic, with the grounds for the opinion;

(*b.*) that he is a proper person to be allowed to remain in a workhouse as a lunatic;

(*c.*) that the accommodation in the workhouse is sufficient for his proper care and treatment, separate from the inmates of the workhouse not lunatics, unless the medical officer certifies that the lunatic's condition is such that it is not necessary for the convenience of the lunatic or of the other inmates that he should be kept separate.

(2.) A certificate under this section shall be sufficient authority for detaining the lunatic therein named against his will in the workhouse for fourteen days from its date.

Form 11.

(3.) No lunatic shall be detained against his will or allowed to remain in a workhouse for more than fourteen days from the date of a certificate under this section without an order under the hand of a justice of the peace having jurisdiction in the place where the workhouse is situate.

Form 8.

(4.) The order in the last preceding sub-section mentioned may be made upon the application of a relieving officer of the union to which the workhouse belongs, supported by a medical certificate under the hand of a medical practitioner, not being an officer of the workhouse, and by the certificate under the hand of the medical officer of the workhouse herein-before mentioned.

(5.) The guardians of the union to which the workhouse belongs shall pay such reasonable remuneration as they think fit to the medical practitioner who, not being an officer of the workhouse, examines a person for the purpose of a certificate under this section.

(6.) If, in the case of a lunatic being in a workhouse, the medical officer thereof shall not sign such certificate as in this section mentioned, or if at or before the expiration of fourteen days from the date of the certificate an order is not made under the hand of a justice for the detention of the lunatic in the workhouse, or, if after such an order has been made, the lunatic shall cease to be a proper person to be detained in a workhouse, the medical officer of the workhouse shall forthwith give notice in writing to a relieving officer of the union to which the workhouse belongs that a pauper in the workhouse is a lunatic and a proper person to be sent to an asylum, and thereupon the like proceedings shall be taken by the relieving officer and all other persons for the purpose of removing the lunatic to an asylum, and within the same time, as by the Lunatic Asylums Act, 1853, provided in the case of a pauper deemed to be a lunatic and a proper person to be sent to an asylum, and, pending such proceedings, the lunatic may be detained in the workhouse.

16 & 17 Vict. c. 97.

(7.) If the medical officer of a workhouse omits to give such notice to a relieving officer as by the last preceding sub-section provided he shall for each day or part of a day after the first day and before the notice is given during which the alleged lunatic remains in the workhouse be liable to a penalty not exceeding ten pounds.

(8.) Every relieving officer who fails to perform the duty by this section imposed upon him shall for each offence be liable to a penalty not exceeding ten pounds.

(9.) The guardians of the union, to which a workhouse belongs, may direct that any lunatic detained therein be discharged or removed therefrom.

(10.) For the purposes of this section an asylum provided for reception and relief of the insane under the Metropolitan Poor Act, 1867, shall be deemed to be a workhouse, and the managers of such asylum shall exercise the powers and perform the duties by this section conferred and imposed upon the guardians of the union to which a workhouse belongs, and notices to be given to and proceedings to be taken by a relieving officer shall in the case of a lunatic in any such asylum be given to and taken by one of the officers of the asylum to be nominated for the purpose by the managers of the asylum.

30 & 31 Vict. c. 6.

(11.) An order under section three of the Lunacy Act, 1885, shall not authorise the detention of a lunatic after the expiration of fourteen days from its date, except under the conditions mentioned in this section.

48 & 49 Vict. c. 52.

(12.) As regards every pauper in a workhouse at the date of the commencement of this Act, as to whom a certificate has been signed under section twenty of the Lunacy Acts Amendment Act 1862, no certificate or order of a justice under this section shall be required.

Power to send discharged pauper not recovered to a workhouse.

22. Where a pauper lunatic is discharged from an asylum, hospital, or licensed house, and the medical officer of the asylum or the medical attendant of the hospital or house is of opinion that the lunatic has not recovered and is a proper person to be kept in a workhouse as a lunatic, the medical officer or medical attendant shall certify such opinion, and his certificate shall accompany the notice of discharge, and the lunatic may thereupon be received and detained against his will in a workhouse without further order if the medical officer of the workhouse certifies in writing that the accommodation in the workhouse is sufficient for the lunatic's proper care and treatment, separate from the inmates of the workhouse not lunatics, or that the lunatic's condition is such that it is not necessary for the convenience of the lunatic, or of the other inmates, that he should be kept separate.

Mis-statement to be a misdemeanor.

23.—(1.) Any person who makes a wilful mis-statement of any material fact in any petition, statement of particulars, or reception order under the Lunacy Acts, or under this Act, shall be guilty of a misdemeanor.

(2.) Any person who makes a wilful mis-statement of any material fact in any medical or other certificate or in any statement or report of bodily or mental condition under the Lunacy Acts, or under this Act, shall be guilty of a misdemeanor.

(3.) No prosecution for a misdemeanor under this section shall take place except by order of the Commissioners or by the direction of the Attorney-General or the Director of Public Prosecutions.

Amendment of orders and certificates.

24.—(1.) If any order or medical certificate for the reception of a lunatic shall after such reception be found to be in any respect incorrect or defective, such order or certificate may, within fourteen days next after such reception, be amended by the person who signed the same. No amendment shall be allowed unless the same shall receive the sanction of the Commissioners, or of some one of them, and (in the case of a private patient) the consent of the judge, magistrate, or justice by whom the order for the reception of the lunatic may have been signed.

(2.) If the Commissioners deem any such certificate to be incorrect or defective, they may, by a direction in writing, addressed to the superintendent or proprietor of the asylum, hospital, or licensed house, or to the person having the charge of a single patient, require the same to be amended by the person who signed the same, and, if the same be not duly amended to their satisfaction within fourteen days next after the reception of the patient, the Commissioners, or any two of them, may, if they think fit, make an order for the patient's discharge.

(3.) Every order and certificate amended under this section shall take effect as if the amendment had been contained therein when it was signed.

Power to order payment of remuneration

25.—(1.) Whenever a justice directs an alleged lunatic, whether a pauper or not, to be examined by any medical practitioner, the to medical practitioner, and of expenses.

justice directing the examination, or any other justice having jurisdiction in the place where the examination took place, may make an order upon the guardians of the union named in the order for payment of such reasonable remuneration to the medical practitioner, and of all such other reasonable expenses in and about the examination, and the inquiry whether an order for the reception of the alleged lunatic ought to be made, and also if an order for reception is made for payment of such reasonable expenses of carrying the order into effect, as the justice may think proper.

(2.) The guardians upon whom an order is made under this section may recover any sums paid thereunder against the lunatic or alleged lunatic and his estate, and the person or authority legally liable for his maintenance, as in the case of orders for maintenance under the Lunatic Asylums Act, 1853.

Power to recover expenses against lunatic's estate.

26.—(1.) If it appears to any two justices that a lunatic, chargeable to any union, county, or borough, has any real or personal property more than sufficient to maintain his family, if any, such two justices may by order direct a relieving officer of the union, or the treasurer or some other officer of the county or borough, to seize so much of any money, and to seize and sell so much of any other personal property of the lunatic, and to receive so much of the rents of any land of the lunatic as the justices may think sufficient to pay any charges incurred or to be incurred in providing for the examination, removal, maintenance, clothing, medicine, and care of the lunatic.

(2.) If any trustee, or the Bank of England, or any other company, society, or person, having possession of any property of a lunatic, shall pay or deliver to a relieving officer of a union, or to the treasurer or other officer of the county or borough to which respectively a lunatic is chargeable, any money or other property of the lunatic, to repay the charges in this section mentioned, whether pursuant to an order under this section, or without an order, the receipt of such relieving officer, treasurer, or officer, shall be a good discharge.

Application of Lunacy Acts to reception orders, &c.

27. Subject to the modifications made by this Act, the provisions of the Lunacy Acts shall apply to reception orders and to medical certificates under this Act.

Change of classification of patient.

28. In the case of a pauper patient afterwards classified as a private patient, the power of ordering his discharge may be exercised by the person who would have been entitled by law to order such discharge, if such patient had been originally admitted as a private patient, and the person who signed the order or presented the petition for the reception order were dead, or if there is no person who would have been so entitled or no such person able or willing to act, then by the Commissioners.

Reports upon and visits to private patients.

29.—(1.) The medical superintendent of every asylum or hospital, and the medical proprietor or attendant of every licensed house, and the medical attendant of every single patient, shall at the expiration of one month after the reception of a private patient prepare and send to the Commissioners a report as to the mental and bodily condition of the patient, in such form as the Commissioners may from time to time direct.

(2.) The medical proprietor or attendant of every house licensed by justices shall also at the same time send a copy of such report to the clerk of the visitors of licensed houses in the county or borough where the house is situate to be by him laid before the visitors.

(3.) The Commissioners, after receiving the report upon any patient in a licensed house within their immediate jurisdiction, shall make arrangements for a visit being paid as soon as conveniently may be to the patient by one or more of the Commissioners; and the Commissioner or Commissioners so visiting shall report to the Commissioners whether the detention of the patient is or is not proper.

(4.) The visitors, after receiving the report, shall, in every case of a private patient in a licensed house in the county or borough for which the visitors are appointed, make arrangements for a visit being paid by the medical visitor (either alone or with one or more of the other visitors) to the patient therein named for such purpose as aforesaid, as soon as conveniently may be; and if on such visit there shall appear to be any doubt as to the propriety of the detention of the patient, such visitor or visitors shall forthwith report the same in writing to the Commissioners, who shall thereupon make all such further inquiries as may be necessary to satisfy themselves whether the patient is properly detained as a lunatic, or whether he ought to be discharged, or whether the case ought to be reported to the Lord Chancellor with a view to an inquisition.

(5.) In the case of a single patient the Commissioners, after receiving the report, shall either make arrangements for a visit being paid as soon as conveniently may be to the patient therein named by one or more of the Commissioners, or, if no Commissioner is available, shall cause a copy of the report to be sent to a medical visitor for the county or borough in which the single patient resides, or to some other competent person, and shall direct him to visit the patient therein named as soon as conveniently may be. The Commissioner or Commissioners, or other person visiting the patient, shall report to the Commissioners whether his detention is or is not proper.

(6.) The person directed to visit a single patient under the last preceding sub-section shall for that purpose have all the powers of a Commissioner, and the Commissioners may, with the consent of the Treasury, pay to him such reasonable remuneration for his services as they think fit out of any funds which may be provided by Parliament to defray the general expenses of the Commissioners.

(7.) In the case of a private patient in an asylum or hospital the Commissioners, after receiving the report, shall either make arrangements for a visit being paid, as soon as conveniently may be, to the patient therein named by one or more of the Commissioners, who shall report to the Commissioners whether the detention of the patient is or is not proper; or the Commissioners shall send a copy of the report to the clerk to the committee of visitors of the asylum or to the managing committee of the hospital, and one or more members of the committee shall thereupon, as soon as conveniently may be, visit the patient named in the report and report to the committee whether his detention is or is not proper, and the committee, or any three of them, may, upon consideration of such last-mentioned report, by writing under their hands discharge the patient or give such directions with regard to him as they think fit.

(8.) If within a month after the reception of any private patient, the asylum, hospital, licensed or other house into which he was received is visited by one or more Commissioners or by any visitors, and such patient is there seen and examined by him or them, and the propriety of his detention reported on in like manner as by this section provided, no special visit shall necessarily be paid to such patient after receipt of any such report.

(9.) If the Commissioners in any case under this section determine that a patient ought to be discharged they may make an order for his discharge.

(10.) The reports to be furnished under this section shall be in addition to the reports or statements which by the Lunacy Acts are required to be furnished.

Duration of orders for reception.

30.—(1.) Any reception order, whether it relates to a pauper or not, dated after or within three months before the commencement of this Act, shall expire at the end of one year from its date, and any such order dated three months or more before the commencement of this Act shall expire at the end of one year after the commencement of this Act unless such orders respectively are continued as herein-after provided.

(2.) In the case of any asylum, hospital, or licensed house the Commissioners may by order under their seal from time to time direct that the reception orders of patients detained therein shall, unless continued as herein-after provided, expire on any quarterly day next after the days on which the orders would expire under the last preceding subsection.

(3.) An order for the removal of a patient from one custody to another shall not be deemed to be a reception order within this section, but the patient who is removed shall after removal be deemed to be detained under the original reception order as a lunatic, and such order shall expire in accordance with the provisions of this section unless continued as herein-after provided.

(4.) An order for the reception of a patient, whether a pauper or not, into an asylum, hospital, or licensed house, or as a single patient, shall remain in force for a year after the date by this Act or by an order of the Commissioners appointed for it to expire, and thereafter for two years and thereafter for three years, and after the end of such periods of one, two, and three years for successive periods of five years, if at the end of each period of one, two, three, and five years respectively a special report of the medical superintendent of the asylum or hospital or the medical proprietor or attendant of the licensed house or of the medical attendant of the single patient as to the mental and bodily condition of the patient with a certificate under his hand certifying that the patient is still of unsound mind and a proper person to be detained under care and treatment is sent to the Commissioners in manner herein-after directed. Such report shall be sent to the Commissioners not more than one month and not less than seven days before the end of each period.

(5.) The person sending the special report shall give to the Commissioners such further information concerning the patient to whom the special report relates as they may require.

(6.) If in the opinion of the Commissioners the special report does not justify the accompanying certificate, then—

(*a*.) In the case of a patient in a hospital or licensed house or under care as a single patient, the Commissioners shall make further inquiry, and if dissatisfied with the result they or any two of them may by order direct his discharge:

(*b*.) In the case of a patient in an asylum, the Commissioners shall send a copy of the report, with any other information in their possession relating to the case, to the clerk to the committee of visitors of the asylum, and the committee, or any three of them, shall thereupon investigate the case and may discharge the patient or give such directions respecting him as they may think proper.

(7.) The superintendent of any asylum, and the superintendent or proprietor of any hospital or house, and any person having charge of a single patient, who detains a patient after he has knowledge that the order for his reception has expired, shall be guilty of a misdemeanor.

(8.) The special reports and certificates under this section may include and refer to more than one patient, and such reports shall be in such form as the Commissioners may, with the approval of the Lord Chancellor, from time to time direct.

(9.) A certificate under the hand of the secretary to the Commissioners that an order for reception has been continued to the date therein mentioned shall be sufficient evidence of the fact.

Powers of discharge and removal.

31.—(1.) Two of the Commissioners, one of whom shall be a medical, and the other a legal Commissioner, may visit a patient detained in any hospital or licensed house, or as a single patient, and may, within seven days after their visit, if the patient appears to them to be detained without sufficient cause, make an order for his discharge, with the like consequences as follow an order by the Lord Chancellor for the discharge of a single patient under section eighteen of the Lunacy Act, 1853.

16 & 17 Vict. c. 96. s. 18.

(2.) Upon the death of a person having charge of a single patient the Commissioners may, upon the application of the person having authority to discharge the patient, or, if he does not apply within seven days after the death, upon their own motion, by order direct the patient to be placed in the charge of the person named in the order, and such order shall have the same effect as an order of transfer made under the powers of section twenty of the Lunacy Act, 1853.

16 & 17 Vict. c. 96. s. 20.

(3.) The Commissioners or any two of them may at any time by order direct the removal of a lunatic from the charge of any person under whose care he is as a single patient to the charge of any other person or to any asylum, hospital, or licensed house.

Removal for health or on trial, and transfer.

32.—(1.) The consent in writing of one Commissioner shall be sufficient for the exercise of the powers conferred by section

8 & 9 Vict. c. 100. 16 & 17 Vict. c. 96. 25 & 26 Vict. c. 111.

eighty-six of the Lunacy Act, 1845, sections twenty and twenty-two of the Lunacy Act, 1853, and section thirty-eight of the Lunacy Act, 1862.

(2.) The medical superintendent of a hospital, or the medical superintendent or proprietor of a licensed house, may, of his own authority, permit a patient to be absent from such hospital or house for a period not exceeding forty-eight hours without giving notice of such absence to the Commissioners, and during such absence the order for reception shall remain in force.

Chargeability of lunatic becoming pauper. 16 & 17 Vict. c. 97.

33.—(1.) Where a lunatic in an asylum, hospital, or licensed house becomes destitute he shall be deemed to be chargeable to the union from which he was brought until it has been established in the manner provided by the Lunatic Asylums Act, 1853, that the lunatic is settled in some other union or that it cannot be ascertained in what union the lunatic was settled; and the superintendent or proprietor of the asylum, hospital, or house shall forthwith give to the authority liable for his maintenance notice that the lunatic has become destitute.

(2.) The words "if any pauper lunatic be not settled in the parish from which" are hereby substituted for the words "if any pauper lunatic be not settled in the parish by which" in section ninety-eight of the Lunatic Asylums Act, 1853.

Single patients.

34.—(1.) Any two Commissioners may direct that the medical attendant of a single patient shall cease to act in that capacity, and that some other person be employed in his place.

(2.) If the person having charge of the patient fails to give effect to the direction by causing the patient to be visited by some other medical practitioner he shall be guilty of a misdemeanor.

(3.) One or more of the Commissioners shall once at least in every year visit every unlicensed house in which a single patient is detained as a lunatic, and inquire and report to the Commissioners on the treatment and state of bodily and mental health of the patient.

(4.) Any Commissioner visiting an unlicensed house may inspect every part of the house and the grounds belonging thereto.

(5.) If the person having charge of a single patient refuses to show to any Commissioner at his request any part of the house wherein the single patient resides, or any part of the grounds belonging thereto, he shall be guilty of a misdemeanor.

(6.) In the case of any person having charge of a single patient, if the Commissioners are satisfied that it is desirable, under special circumstances, and for the interest of the patient, that another patient, or more than one other, should reside in the same house, that person may, with the approval of the Commissioners, receive such other patient or patients on the same terms and conditions in all respects as if each of them were a single patient.

Person deriving profit from charge of lunatic, 8 & 9 Vict. c. 100. s. 92.

35. A person who for payment takes charge of or receives to board or lodge or otherwise any other person as a lunatic or alleged lunatic, shall be deemed to be a person deriving profit from the charge of a lunatic within the meaning of the Lunacy Act, 1845.

Discharge upon recovery. 16 & 17 Vict. c. 96.

36. The notice by section nineteen of the Lunacy Act, 1853, required to be sent upon the recovery of a patient, shall state that unless the patient is removed within seven days from the date of the notice he will be discharged. If the patient is not removed within seven days from the date of the notice he shall be forthwith discharged without further order.

Power to appoint substitute for the person who signed or applied for order of reception.

37.—(1.) The Commissioners may by order under this section substitute for the person who signed the reception order of a private patient, or for the person upon whose petition or application any such order was obtained, and either during the life of such person or after his death, any other person who is willing to undertake the duties and responsibilities of the person who signed or obtained the order.

(2.) As from the date of an order by the Commissioners under this section the substituted person shall be subject to all the obligations and may exercise all the powers and authorities in relation to the patient of the person for whom he is substituted.

(3.) The substitution shall not release the person who signed or obtained the reception order or his estate from any liabilities already incurred by him.

(4.) An order under this section may be made with or without the consent of the person who signed or obtained the reception order, but in the last-mentioned case the order shall not be made during his life until fourteen days after the Commissioners have given to him notice in writing of their intention to take into consideration the advisability of making an order under this section and of the name of the person proposed to be substituted.

(5.) Within fourteen days after receipt of the notice the person to whom the notice is given may lay before the Commissioners a statement in writing of his reasons why an order under this section should not be made, or he may appear in person before the Commissioners at such time and place and subject to such restrictions as the Commissioners may appoint for the purpose of stating such reasons. The Commissioners shall, upon consideration of such statement, or, if no statement is made, at their own discretion, finally determine the matter, and make or decline to make the order, as they may think fit.

(6.) A notice under this section may be sent by post in a prepaid letter addressed to the person who signed or obtained the reception order at his last known address, and the same shall be deemed to have been received at the time when the same would arrive in due course of post.

Provision for any person to apply to have patient examined.

38. An order for the examination by two medical practitioners, authorised by the Commissioners, of any person detained as a lunatic in any asylum, hospital, licensed house, or as a single patient, may be obtained from the Commissioners upon the application of any person, whether a relative or friend or not, who shall satisfy the Commissioners that it is proper for them to grant such order; and on production to the Commissioners of the certificates of the medical practitioners so authorised, certifying that after two separate examinations with at least seven days intervening between the first and the second examination, they are of opinion that the patient may, without risk or injury to himself or the public, be discharged, the Commissioners may order the patient to be discharged at the expiration of ten days from the date of the order.

Power to take boarders in licensed houses. Form 14.

39.—(1.) The superintendent or proprietor of a licensed house may, with the previous consent in writing of two of the Commissioners, or, where the house is licensed by the justices, of two of the justices, receive and lodge as a boarder for the time specified in the consent any person who is desirous of voluntarily submitting to treatment; after the expiration of which time (unless any further consent shall be in like manner given for the extension thereof) he shall be discharged. The superintendent or proprietor of a licensed house may also, with such previous consent as aforesaid, receive and lodge as a boarder, for the time specified in the consent, any relative or friend of a patient.

(2.) The consent of the Commissioners or justices, as the case may be, shall be given only upon application to them by the intending boarder.

(3.) The total number of patients and boarders in a hospital or licensed house shall at no one time exceed the number of patients for which the hospital is certified or the house licensed.

(4.) Every boarder shall, if required, be produced to the Commissioners and visitors respectively on their respective visits.

(5.) A boarder may leave the licensed house in which he is a boarder upon giving to the superintendent or proprietor thereof twenty-four hours notice in writing of his intention so to do.

(6.) If any person is not allowed to leave the licensed house in which he is a boarder after the expiration of twenty-four hours notice to the superintendent or proprietor thereof of his intention so to do, he shall be entitled to recover from the superintendent or proprietor ten pounds as liquidated damages for each day or part of a day during which he is detained.

Maintenance for pauper lunatic taken charge of by relatives.

40.—(1.) Where application is made to the committee of visitors of an asylum by any relative or friend of a pauper lunatic confined therein that he may be delivered over to the custody of such relative or friend, the committee may, upon being satisfied that the application has been approved by the guardians of the union to which the lunatic is chargeable, and, in case the proposed residence is outside the limits of the said union, then also by a justice having jurisdiction in the place where the relative or friend resides, and that the lunatic will be properly taken care of, order the lunatic to be delivered over accordingly.

(2.) Where any such order is made, the authority liable for the maintenance of the lunatic shall pay to the person to whom the lunatic is delivered such allowance for the maintenance of the lunatic, not exceeding the expenses which would be incurred on his account if he were in the asylum, as such authority may on the recommendation of the committee of visitors of the asylum from which the lunatic was delivered over think proper.

(3.) The medical officer of the district of the union in which the lunatic is resident in the custody of such relative or friend shall, within three days after each quarterly visit to the lunatic, made in pursuance of the Lunatic Asylums Act, 1853, section sixty-six, send to the visiting committee of the asylum from which the lunatic was delivered over, a report stating whether, in his opinion, the lunatic is properly taken care of, and may properly remain out of an asylum. The medical officer shall for every such report in addition to the remuneration paid under the above-mentioned section of the Lunatic Asylums Act, 1853, be paid the sum of two shillings and sixpence, which sum shall be paid by the same persons and be charged to the same account as the relief of such pauper.

(4.) Any two of the visitors may at any time, if they think fit, make an order for the removal of the lunatic to the asylum from the custody of the relative or friend to whom he has been delivered.

(5.) For the purposes of section twenty-four, subsection (2) (f), of the Local Government Act, 1888, a lunatic boarded-out by the authorities of any asylum shall be deemed to be a lunatic maintained in an asylum.

51 & 52 Vict. c. 41.

Power of transfer and discharge given to members of committee.

41. The members, whether justices or not, of any committee of visitors appointed for any asylum by a county council, shall have the same powers and jurisdiction in relation to the transfer and discharge of lunatics as by the Lunatic Asylums Act, 1853, were vested in any members of a committee of visitors appointed under that Act.

Information as to lunatics in private families and charitable establishments

42.—(1.) If it comes to the knowledge of the Commissioners that any person appears to be without an order and certificates detained or treated as a lunatic or alleged lunatic by any person receiving no payment for the charge, or in any charitable, religious, or other establishment (not being an asylum, hospital, or licensed house), they may require the person by whom the patient is detained, or the superintendent or principal officer of the establishment, to send to them, within or at such time or times as the Commissioners may appoint, a report or periodical reports by a medical practitioner of the mental and bodily condition of the patient, with all such other particulars as to him and his property as they may think fit.

(2.) Any one or more of the Commissioners may at any time visit any such patient and report the result of the visit to the Commissioners, and may exercise, with respect to such patient, all the powers (except that of discharge) given to them as to persons confined in any asylum, hospital, or licensed house, or as single patients.

(3.) The Commissioners may, if they think fit, transmit any reports received by them, or may report the results of any inquiries made by them under this section, to the Lord Chancellor, who may thereupon make an order for the discharge of the patient from the custody in which he is detained or for his removal to an asylum, hospital, or licensed house, or to such other custody as he may think fit, and the expenses properly incurred of carrying any such order into effect and of maintaining the patient if so removed shall, if the order so directs, be paid by the guardians of the union in which the patient was found, until the authority legally liable for his maintenance has been ascertained; and such guardians shall have the same right to recover any such expenses paid by them against the lunatic and his estate, and the person or authority legally liable for his maintenance as in the case of orders for maintenance under the Lunatic Asylums Act, 1853.

16 & 17 Vict. c. 97.

(4.) Where an order is made by the Lord Chancellor under this section for removal of a lunatic to an asylum, any two justices of the county or borough in which the asylum is may exercise all the authorities conferred upon justices by the Lunatic Asylums Act, 1853, for the purpose of making the lunatic's property applicable to his maintenance and for maintaining him as a pauper.

(5.) All reports and particulars sent to the Commissioners under this section shall be kept by them, and shall be open to inspection only by the Commissioners and the Lord Chancellor, and by such persons as the Lord Chancellor may direct.

Notice of order of discharge.

43.—(1.) The Commissioners when they shall have made any order of discharge shall forthwith serve the same upon the superintendent or proprietor of the asylum, hospital, or licensed house where the patient is detained, or upon the person having charge of the patient as a single patient, and shall give notice of such order,—

a. In the case of a private patient, to the person who signed or obtained the reception order or who made the last payment on account of the patient:

b. In the case of a pauper, to the guardians of the union by whom the expense of the maintenance of the lunatic was defrayed, or, if the lunatic was chargeable to a county or borough, to the clerk of the peace of the county or the town clerk of the borough.

(2.) Any person who has been duly served with an order of discharge and detains a patient after the date of discharge appointed thereby shall be guilty of a misdemeanor.

Power to remove alien lunatic to his native country.

44.—(1.) When an alien (not being a criminal lunatic) is detained as a lunatic, and his family or friends desire that he should be removed to the country of which he is a subject, the Commissioners, upon application by any member of the family, or by a friend of the alien, may inquire into the circumstances of the case, and report thereon to a Secretary of State.

(2.) A Secretary of State, if satisfied by such report or otherwise, that the person, to whom the report relates, is an alien and a lunatic, and that his removal is likely to be for his benefit, and that proper arrangements have been made for such removal and for his subsequent care and treatment, may, by warrant, direct the alien to be delivered to the person named in the warrant for the purpose of removal to the country of which he is a subject, and every such warrant shall be obeyed by the person or authority under whose charge the lunatic is.

(3.) A warrant under this section shall be sufficient authority for the master of any vessel to receive and detain the lunatic on board the vessel, and to convey him to his destination.

Mechanical means of restraint.

45.—(1.) Mechanical means of bodily restraint shall not be applied to any lunatic unless the restraint is necessary for purposes of surgical or medical treatment or to prevent the lunatic from injuring himself or others.

(2.) In every case where such restraint is applied a medical certificate shall, as soon as it can be obtained, be signed, describing the mechanical means used, and stating the grounds upon which the certificate is founded.

Form 16.

(3.) The certificate shall be signed, in the case of a lunatic in an asylum or hospital, by the medical superintendent or a medical officer thereof, in the case of a lunatic in a licensed house, by the medical proprietor or medical attendant of the house, in the case of a lunatic in a workhouse, by the medical officer of the workhouse, and in the case of a single patient, by his medical attendant.

(4.) A full record of every case of restraint by mechanical means shall be kept from day to day; and a copy of the records and certificates under this section shall be sent to the Commissioners at the end of every quarter.

(5.) In the case of a workhouse, the record to be kept under this section shall be kept by the medical officer of the workhouse, and the copies of records and certificates to be sent shall be sent by the clerk to the guardians.

(6.) In the application of this section "mechanical means" shall be such instruments and appliances as the Commissioners may, by regulations to be made from time to time, determine.

(7.) Any person who wilfully acts in contravention of this section shall be guilty of a misdemeanour.

Letters of patients.

46.—(1.) The superintendent or proprietor of every asylum, hospital, and licensed house, and the person having charge of a single patient, shall forward unopened all letters written by any patient and addressed to the Lord Chancellor or any Judge in Lunacy, or to a Secretary of State, or to the Commissioners, or any Commissioner, or to the person who signed the order for the reception of the patient, or on whose petition or application such order was made, or to the visitors or any visitor or visiting committee, or any member of the visiting committee of the asylum, or licensed or other house, in which any patient writing such letters may be, and may also at his discretion forward to its address any other letter if written by a private patient.

(2.) Every superintendent or proprietor of an asylum, hospital, or licensed house, and every person having charge of a single patient who makes default in complying with the obligation imposed on him by this section shall for each offence be liable to a penalty not exceeding twenty pounds.

Notices as to letters and interviews.

47.—(1.) Whenever the Commissioners in Lunacy shall so direct there shall, unless there is no private patient therein, be posted up in every asylum, hospital, and licensed house, printed notices setting forth—

(*a.*) The right of every private patient to have any letter written by him forwarded in pursuance of the last preceding section;

(*b.*) The right of every private patient to request a personal and private interview with a visiting Commissioner or visitor at any visit which may be made to the asylum, hospital, or house.

(2.) The notices shall be posted in the asylum, hospital, or house, so that every private patient may be able to see the same.

(3.) The visiting Commissioners or visitors may give directions as to the places in which such notices are to be posted.

(4.) If the superintendent or proprietor of an asylum, hospital, or licensed house makes default in posting such notices, or does not within ten days carry out any directions as to such notices given by the visiting Commissioners or visitors, he shall for each offence be liable to a penalty not exceeding twenty pounds.

Provision on inquisition for commitment of estate only and not of person.

48. If in any case of an inquisition it shall appear that the alleged lunatic is of unsound mind so as to be incapable of managing his affairs, but that he is capable of managing himself, and is not dangerous to himself or to others, it may be specially so found and certified; and every such special finding and certificate shall be brought before the Judge in Lunacy, who shall thereupon make all such orders, and direct all such acts to be done, as may be necessary or proper relative to the commitment, management, and application of the estate and effects of the person so found to be of unsound mind (including all proper provisions for his maintenance), but it shall not be necessary, unless in the discretion of the Judge it shall appear proper so to do, to make any order as to the custody or commitment of the person.

Judge in Lunacy may supersede inquisition and rescind or vary order for commitment of person.

49.—(1.) In any case of a person who has been found lunatic by inquisition the Judge in Lunacy, being satisfied on the report of the Commissioners or of one of the Lord Chancellor's Visitors in Lunacy, or on any other evidence that the lunatic is cured, or that he is capable of managing himself, and not dangerous to himself or others, though incapable of managing his affairs, may, if he shall think it desirable that the ordinary proceedings for a supersedeas should not be insisted on, by order supersede the inquisition so far as the same finds that the lunatic is incapable of managing himself, and rescind or vary any order for the commitment of the person of the lunatic.

(2.) An order under this section may be made on such terms and conditions as the Judge in Lunacy may think fit.

(3.) Notice of an order under this section shall be forthwith given to the committee of the lunatic and also to the person under whose care the lunatic is.

Order for custody of person of lunatic so found to determine unless continued.

50.—(1.) The medical attendant of every lunatic so found by inquisition shall, before the expiration of one, three, and six years respectively from the commencement of this Act, and before the expiration of every subsequent period of five years after the expiration of six years from the commencement of this Act, send to the Masters in Lunacy a report as to the mental and bodily condition of the patient, with a certificate under his hand certifying, if it is the fact, that the patient is still of unsound mind and a proper person to be detained under care and treatment.

(2.) If, before the expiration of any of the periods herein-before mentioned, such report and certificate are not sent to the Masters, they shall inquire as to the omission, and unless they are satisfied that the lunatic is still of unsound mind, the order for the commitment of the person of the lunatic as to whom such report and certificate are not sent shall determine at the expiration of such period; but nothing herein contained shall affect the commitment of the estate.

(3.) A Master in Lunacy may, by order under his hand, extend the time within which any report and certificate under this section is to be sent to the Masters, and if the time is so extended, the order for commitment of the person of the lunatic as to whom the time is so extended shall continue in force until the expiration of the extended time, but such extended time shall not exceed six calendar months.

(4.) Where any order for commitment of the person of a lunatic has determined under this section, the Masters in Lunacy shall forthwith give notice of such determination to the committee of the person of the lunatic and to the person under whose care the lunatic is.

Temporary provision for maintenance of lunatic.

51. In any case where, pending the appointment of committees, it shall appear to the Masters desirable that temporary provision should be made for the expenses of the maintenance or other necessary purposes or requirements of the lunatic, or any member of his family, out of any cash or available securities belonging to him in the hands of his bankers, or of any other person, the Masters shall be at liberty by certificate to authorise such banker or other person to pay to the person to be named in such certificate such sum as they shall certify to be proper; and may by such certificate give any directions as to the proper application thereof for the lunatic's benefit by such person who shall be accountable for the same as the Masters shall direct.

Orders as to the property of a lunatic.

52.—(1.) Where any person is lawfully detained as a lunatic, or where any person not so detained and not found a lunatic by inquisition shall be proved to the satisfaction of the Judge in Lunacy to be through mental infirmity, arising from disease or age, incapable of managing his estate and affairs, the Judge in Lunacy, upon the application of such lunatic or other person by his next friend, may make an order that the next friend, or any other person approved by the Judge, may, on behalf of the lunatic or of the person so incapable, exercise any powers or do any act in relation to his property which the committee of the estate of a lunatic so found by inquisition, could by virtue of the Lunacy Regulation Act, 1853, and the Acts amending the same, under an order of the Judge, or without an order, exercise or do on behalf of the lunatic.

16 & 17 Vict. c. 70.

(2.) An order under this section may confer upon the person named in the order authority to do any act or exercise any power specified in the order, or may confer a general authority to exercise on behalf of the lunatic until further order all or any of the powers of a committee of the estate of a lunatic so found by inquisition, without further application to the Judge.

(3.) Applications under this section shall be made in such manner, upon notice to such persons, and subject to such restrictions as may be appointed by the General Orders in Lunacy, and subject thereto as the Judge in Lunacy in each case may determine.

(4.) Every person appointed to do any act or exercise any powers under this section shall be subject to the jurisdiction and authority of the Judge in Lunacy in the same manner in all respects as if such person were the committee of the estate of a lunatic so found by inquisition.

Limited power to deal with property in Ireland or England of lunatic so found in England or Ireland.

53.—(1.) The powers of management and administration of the estates of lunatics conferred by the Lunacy Regulation Act, 1853, shall, without an inquisition or other proceedings in Ireland, extend to the personal property in Ireland of a lunatic so found by inquisition in England where such personal property does not exceed two thousand pounds in value or the income thereof does not exceed one hundred pounds a year; and the like powers conferred by the Lunacy Regulation (Ireland) Act, 1871, shall, without an inquisition or other proceedings in England, extend to the personal property in England of a lunatic so found by inquisition in Ireland where such personal property or the income thereof does not exceed such amount as aforesaid.

(2.) Where a person has been found lunatic by inquisition in England or Ireland, and has personal property in Scotland, the committee of the estate of the lunatic shall, without cognition or other proceedings in Scotland, have all the same powers as to such property, or the income thereof, as might be exercised by a tutor at law after cognition or a duly appointed curator bonis to a person of unsound mind in Scotland.

Where a tutor at law after cognition or a curator bonis has been appointed to a lunatic in Scotland, who has personal property in England or Ireland, the tutor at law or curator bonis shall, without an inquisition or other proceedings in England or Ireland, have all the same powers as to such property, or the income thereof, as might be exercised by the committee of the estate of a lunatic so found by inquisition in England or Ireland.

25 & 26 Vict. c. 86. s. 12. 34 & 35 Vict. c. 22. s. 68.

(3.) The powers conferred by section twelve of the Lunacy Regulation Act, 1862, and by section sixty-eight of the Lunacy Regulation (Ireland) Act, 1871, shall extend to the property in Ireland or England, as the case may be, of the lunatic where the total value of the property in England and Ireland does not exceed two thousand pounds in value, or the income thereof does not exceed one hundred pounds a year.

Power to deal with property of small amount.

54.—(1.) Where an order is made for the reception of a lunatic the value of whose real and personal property is under two hundred pounds, and no relative or friend of the lunatic is willing to undertake the management of such property, any judge of county courts having jurisdiction in the place from which the lunatic is sent, may, upon the application of the clerk of the guardians, or a relieving officer of the union from which the lunatic is sent, authorise the clerk or relieving officer, or such other person as the judge shall by his order appoint, to take possession of and sell and realise the real and personal property of the lunatic, and to exercise all the powers which could be exercised by the legal personal representative of the lunatic if he were dead; and the receipt of the person so authorised shall be a valid discharge to any person who pays any money or delivers any property of the lunatic to such person.

(2.) The judge by whom such order is made may by the same or any subsequent orders give such directions as he shall think fit as to the application of the property of the lunatic for his benefit or in reimbursement of such sums as may have been or may be expended by the guardians of the union for his care or relief, or of the costs or expenses incurred in relation to the lunatic by such guardians, or by the person acting under any such order as aforesaid, or the judge may, if he think fit, order that the whole or any part of the proceeds of the lunatic's property be paid into the county court to the credit of an account intituled in the matter of such lunatic, and any sum so paid into court may either be invested in the manner provided by the county court rules in force for the time being, or be paid out of court from time to time to such person as the judge may direct, to be held and applied for the benefit of such lunatic, or in or towards such reimbursement as aforesaid, in such manner as the judge shall from time to time direct.

(3.) The person acting under any such order shall render an account of his dealings with the lunatic's property to the judge by whom such order was made in such manner as the judge shall from time to time appoint.

Pension of lunatic payable by public department.

55. When any sum in respect of pay, pension, superannuation, or other allowance, or annuity under the control or management of any public department, is payable to any person, in respect either of service as a civil servant or of military or naval service or of provision for a widow or child of a person employed in civil, military, or naval service as such widow or child, and the person to whom the sum is payable is certified by a justice or minister of religion, and by a medical practitioner, to be unable by reason of mental disability to manage his or her affairs, the public department may pay so much of the said sum as the department may think fit to the institution or person having the care of the disabled person, and may pay the surplus, if any, or such part thereof, as the department may think fit, for or towards the maintenance and benefit of the wife or husband and relatives of the disabled person, and the department shall be discharged from all liability in respect of any sums so paid.

Restrictions on new licences.

56.—(1.) If the Commissioners, or in the case of a house licensed by justices the justices, are of opinion that a house licensed for the reception of lunatics has been in all respects well conducted by the licensees, the Commissioners or justices may upon the expiration of the licence from time to time renew the licence for that house to the former licensees, or any one or more of them, or to their successors in business from time to time.

(2.) If at the passing of this Act the licensees of any house shall have made arrangements to establish a new house for the reception of lunatics in the place of the existing house, and the Commissioners, or if the existing house is within the jurisdiction of justices the justices, are of opinion that such new house will be as well suited for the purpose as the existing house, and are also of opinion that the existing house has been in all respects well conducted, the Commissioners or justices may grant to the licensees of the existing house, or any one or more of them, a licence for the new house, and may from time to time renew the same to the original licensees, or any one or more of them, or to his or their successors in business from time to time.

(3.) If at any time after the passing of this Act it shall be shown to the satisfaction of the Commissioners or the justices, as the case may be, that it would be for the comfort and advantage of the patients in any licensed house that another house should be substituted in place thereof, the Commissioners or justices may grant to the licensees of such first-mentioned house a licence in respect of such other house upon and subject to the same conditions and restrictions as may have existed in respect of the first-mentioned house.

(4.) In the case of joint licensees or proprietors who desire to carry on business apart from one another, if, in the opinion of the Commissioners or of the justices, as the case may be, the establishment conducted by them jointly, and also any new house which any of them desires to conduct, answers the conditions hereinbefore required for granting renewed licences, the Commissioners or justices, as the case may be, may grant to each of such licensees or proprietors renewed licences for such number of patients (not exceeding in the aggregate the number allowed by the joint licence) as such joint licensees or proprietors shall agree upon, or, failing their agreement, as the Commissioners or justices shall determine.

(5.) Where the licensee of a house is a medical man in the employment of the proprietor of such house as his superintendent, the licence shall be deemed to be transferable or renewable to such licensee so long as he continues superintendent of the house, or to the proprietor, or to any other medical superintendent while employed by the proprietor in the place of the former superintendent.

(6.) Save as in this section provided, after the passing of this Act no new licence shall be granted to any person for a house for the reception of lunatics, and no house in respect of which there is at the passing of this Act an existing licence shall be licensed for a greater number of lunatics than the number authorised by the existing licence.

(7.) This section does not apply to licensed houses used solely for the reception of idiots and imbeciles.

Amendments as to licensed houses.
8 & 9 Vict. c. 100. s. 17.

57.—(1.) Visitors of licensed houses shall be appointed by the justices of every county or borough under section seventeen of the Lunacy Act, 1845, whether there is a licensed house within the county or borough or not.

(2.) In every county or borough in which no visitors of licensed houses have been appointed before the commencement of this Act, the justices of such county or borough shall appoint such visitors at the quarter and special sessions respectively next after the commencement of this Act.

(3.) A medical visitor shall be entitled to such remuneration for services rendered under this Act as the justices of the county or borough for which he is a visitor may approve, and such remuneration shall be provided in the manner in which the remuneration of a visitor for services under the Lunacy Act, 1845, is provided.

(4.) Where there is no licensed house within a county or borough the remuneration of any medical visitor, and the salary of the clerk to the visitors, and the expenses of the visitors in the execution of their office, shall be provided in the manner in which the remuneration and other expenses, which the money received for licences under the Lunacy Act, 1845, is inadequate to pay, are to be provided.

8 & 9 Vict. c. 100. s. 38.

(5.) The clerk to the visitors of licensed houses shall, upon the direction of any two visitors, call a meeting of the visitors at such time and place as the two visitors may appoint.

(6.) In the case of a licence for a house for the reception of lunatics granted to two or more persons, if before the expiration of the licence any of such persons die leaving the others surviving, and one of the survivors has undertaken, or within ten days after the death gives to the Commissioners or the justices who granted the licence a written undertaking, to reside on the licensed premises, the licence shall remain in force and have the same effect as if granted to the survivors.

(7.) Where a licence has been transferred by the justices of a county or borough under section thirty-nine of the Lunacy Act, 1845, the clerk of the peace of the county or borough shall within three days after the date of the instrument of transfer send a copy thereof to the Commissioners.

8 & 9 Vict. c. 100. s. 39.

(8.) A clerk of the peace who makes default in performing the duty imposed upon him by this section shall for each day during which the default continues be liable to a penalty not exceeding forty shillings.

Provisions for registration of hospitals in which lunatics are received.

58.—(1.) When application is made after the passing of this Act for the registration of a hospital for the reception of lunatics, the Commissioners may depute any one or more members of their body, or may employ such person or persons as they shall think fit, to inspect the hospital and report to them thereon.

(2.) If the Commissioners are of opinion that the hospital ought not to be registered for the reception of lunatics, they shall make a written report to a Secretary of State, stating the reasons for such opinion, and the Secretary of State shall thereupon finally determine whether the hospital ought to be registered or not.

(3.) If the Commissioners are of opinion or a Secretary of State determines that the hospital ought to be registered, the Commissioners shall issue a provisional certificate of registration.

(4.) A provisional certificate shall be valid for six months from the date of its issue, and for such extended time as the Commissioners may allow, unless before its expiration it is superseded by a complete certificate of registration.

(5.) Within three months from the date of the provisional certificate, the managing committee of the hospital shall frame regulations for the hospital, and shall submit the same to a Secretary of State for approval.

(6.) Upon approval of the regulations by a Secretary of State the Commissioners shall issue a complete certificate of registration, and shall specify therein the total number of patients of each sex, who may be received in the hospital.

(7.) As from the date of a provisional certificate lunatics may be received in the hospital, but if no complete certificate of registration is granted, then no lunatic shall be received or detained in the hospital after the expiration of the provisional certificate.

(8.) No lunatic shall be received in any hospital unless the same has been registered before the passing of this Act, or is registered under a provisional or complete certificate by virtue of this Act.

(9.) The superintendent of any hospital who receives or detains any lunatic in the hospital contrary to the provisions of this Act, or to the terms of the complete certificate of registration shall be guilty of a misdemeanor.

Buildings not shown on plans not to be used for accommodation of lunatics

59.—(1.) No building in the occupation of the managing committee of a registered hospital not shown on the plans sent to the Commissioners pursuant to any rules made by them shall be deemed part of the hospital for any purpose connected with the reception or the care and treatment of lunatics.

(2.) If the superintendent of a registered hospital knowingly permits any lunatic to be detained or lodged in any building not shown on the plans of the hospital sent to the Commissioners he shall be deemed guilty of a misdemeanor.

Accounts to be audited and printed.

60.—(1.) The accounts of every registered hospital which does not submit its accounts to the Charity Commissioners shall be audited once a year by an accountant or other auditor to be approved by the Lunacy Commissioners, and shall be printed.

(2.) The Lunacy Commissioners may, if they shall think fit, prescribe the form in which the accounts of any registered hospital are to be kept, and the day of the year to which they are to be made up.

Superannuation allowance of officer of hospital.

61. The managing committee of any hospital may grant to any officer or servant who is incapacitated by confirmed illness, age, or infirmity, or who has been an officer or servant in the hospital for not less than fifteen years and is not less than fifty years old, such superannuation allowance, not exceeding two-thirds of the salary of the superannuated person, with the value of the lodgings, rations or other allowances enjoyed by him, as the committee may think fit.

Persons disqualified to be members of managing committee of hospital.

62. The following persons shall be disqualified from being members of the managing committee of a registered hospital:

a. Any medical or other officer of the hospital:

b. Any person who is interested in or participates in the profits of any contract with or work done for the managing committee of the hospital, but so that this disqualification shall not extend to a person who is a member of an incorporated company which has entered into a contract with or done any work for the managing committee.

Powers for enforcing regulations of hospitals.

63.—(1.) The Commissioners may from time to time require the superintendent or any other officer of a registered hospital to give them such information as the Commissioners shall think fit as to the mode in which the regulations of the hospital are carried out.

(2.) If the Commissioners are of opinion that the regulations are not properly carried out, they may give to the superintendent and any two members of the managing committee of the hospital notice stating the particulars in which the regulations are not properly carried out, and requiring such things to be done as the Commissioners may think proper for carrying out the same.

(3.) If at the expiration of six months from the date of the notice the requirements of the notice have not, in the opinion of the Commissioners, been complied with, the Commissioners, with the consent in writing of a Secretary of State, may make an order directing the hospital to be closed as from the date named in the order, so far as the reception and detention of lunatics is concerned.

(4.) If any lunatics are detained or kept in the hospital after the date appointed by the order for closing the hospital, the superintendent of the hospital shall be guilty of a misdemeanor.

(5.) Before an order is made under this section the Commissioners shall send to the superintendent and any two members of the managing committee of the hospital notice in writing requiring them to state in writing within fourteen days the reasons why the requirements of the first notice have not been complied with; and such statement, if any, shall be laid before the Secretary of State.

No agreements between local authority and subscribers.

64. As from the passing of this Act no agreement shall be made between a local authority and the subscribêrs to a hospital for uniting to provide and maintain an asylum or for the reception of pauper patients into the hospital. Provided always, that in any case where an agreement for either of the purposes aforesaid is already subsisting, such agreement shall continue in force, and may be renewed as heretofore with the consent of a Secretary of State.

Provisions as to private patients in asylums.

16 & 17 Vict. c. 97.

65.—(1.) Lunatics not paupers may be received into any asylum provided under the Lunatic Asylums Act, 1853, and the Acts amending the same, or under this Act, upon such terms as to payment and accommodation as the committee of visitors may think fit. All enactments as to the conditions on which such lunatics may be received into hospitals or licensed houses shall be applicable to lunatics not paupers received into such asylums.

(2.) An account of the amount, by which the sums charged for private patients received in the asylum exceed the weekly charges for pauper lunatics sent from or settled in any place, parish, or borough which has contributed to provide the asylum, shall be made up to the last day of each year, and the surplus, if any, after carrying to the building and repair fund such sums, and providing for such outgoings and expenses, as the committee of visitors may consider proper, shall be paid to the treasurer of the local authority to which the asylum belongs, or in the case of an asylum belonging to several local authorities, to their respective treasurers in the proportions in which such local authorities or the justices of the counties and boroughs whose powers have been transferred to them have contributed to the asylum, and shall be applied in aid of the rates in such manner as the local authority may determine.

Power to enlarge asylums in order to provide accommodation for private patients.

66.—(1.) The committee of visitors of any asylum, with the consent of the local authority of each administrative area for which the asylum is provided, and with the approval in writing of a Secretary of State, may make such alterations in or additions to the asylum, either by way of detached buildings or blocks of buildings or otherwise as they shall think fit, for the purpose of providing accommodation for lunatics not paupers.

(2.) The plans and estimates for all alterations in or additions to be made to an asylum under this section shall be submitted to the Commissioners, who shall report thereon in writing to a Secretary of State.

Power to provide asylums for pauper and private patients.

67.—(1.) The powers conferred by the Lunatic Asylums Act, 1853, for providing asylum accommodation shall extend to authorise a local authority either alone or in union with any other local authority or local authorities, to make provision for the reception of pauper and private patients together or in separate asylums, and to provide separate asylums for idiots or patients suffering from any particular class of mental disorder.

(2.) For the purposes of this section the local authority may erect new asylums, or enlarge any existing asylums, or purchase any licensed or other houses and land suitable for the purpose.

16 & 17 Vict. c. 97.

(3.) Subject to the modifications made by this Act, all the powers and provisions of the Lunatic Asylums Act, 1853, and the Acts amending the same, shall extend to asylums provided under this Act as if such asylums were asylums authorised to be provided under the Lunatic Asylums Act, 1853.

Power to retain land unsuitable or not required for asylum purposes.

68. Any lands or buildings which have been used for the purposes of a county or borough asylum, and have been found unsuitable, or are otherwise not required for such purposes, may, with the consent of a Secretary of State, and subject to such conditions as he may think fit to impose, be retained by the local authority, and appropriated for any purposes for which they are empowered to acquire land.

Rating of lunatic asylums.

69. All lands and buildings already or to be hereafter purchased or acquired under the provisions of any Act for the purposes of any lunatic asylum for any county or borough in England or Wales (and any additional building erected or to be erected thereon) shall, while used for such purposes, be assessed to county parochial district and other rates, made after the commencement of this Act, on the same basis and to the same extent as other lands and buildings in the same parish, township, or district.

Case of officer transferred to another asylum.

70. When any officer is transferred from one asylum to another asylum wholly or in part belonging to the same local authority, his service in all such asylums shall be counted for the purpose of computing his pension, superannuation allowance, or gratuity for length of service, as if all such asylums had constituted only one asylum.

Contracts for reception of lunatics of borough not to be determined without consent of a Secretary of State.

71. Where a contract has, before the passing of this Act, been entered into, or shall thereafter be entered into, on behalf of a borough, with the committee of visitors of an asylum for the reception of the pauper lunatics of the borough into the asylum, and the parties to the contract, or either of them, have power to determine the contract, the contract shall not after the passing of this Act be determined without the consent of a Secretary of State.

Conveyance of land to municipal corporations.

72. Where the local authority is the council of a borough, any lands or hereditaments used or acquired on behalf of the local authority for the purposes of the Lunacy Acts may be conveyed to the municipal corporation of the borough, to be held by them in trust for the purposes aforesaid.

Resignation and illness of medical and legal Commissioners.

73.—(1.) A medical or legal Commissioner may, upon resigning his office, be appointed to fill any vacancy among the Commissioners, and if so appointed, he may, upon the request of any four of the Commissioners, perform any duty which he might have performed before his resignation.

(2.) In case of the temporary illness or disability of a medical or legal Commissioner, the Lord Chancellor may, on the recommendation of the Commissioners, appoint a person qualified to be a medical or legal Commissioner to be his substitute so long as the illness or disability continues, and the substitute may exercise all the powers of the person for whom he acts.

Reports by Commissioners.

74.—(1.) The Commissioners shall at the expiration of every six months report to the Lord Chancellor the number of visits they have made and the number of patients they have seen.

(2.) They shall also in or before the month of June in every year make to the Lord Chancellor a report made up to the end of the preceding year of the condition of the asylums, hospitals, houses, and other places visited by them, and of the care of the patients therein, with such other particulars as they think deserving notice.

(3.) They shall lay copies of the reports to be made under this section before Parliament within one month after the same shall have been made if Parliament shall be then sitting, or within twenty-one days after the commencement of the next session.

Salary and qualification of secretary.

75. The salary of the secretary to the Commissioners shall be of such amount as the Treasury, with the concurrence of the Lord Chancellor, shall from time to time determine, and every person appointed after the passing of this Act to the office of secretary to the Commissioners shall be a barrister-at-law of at least seven years standing, and shall for all purposes be deemed to be a permanent civil servant of the State.

Removal of lunatic from workhouse.

76.—(1.) Where a union is in more than one county, and the workhouse of the union is in one county, and the place from which

Payment of expenses. 16 & 17 Vict. c. 97. s. 10. 16 & 17 Vict. c. 97. s. 72.

a lunatic was sent to the workhouse is in another county, an order may be made by a justice for the county in which the workhouse is or a justice for the county from which the lunatic was sent for the removal of the lunatic either to the asylum of the county in which the workhouse is or to the asylum of the county from which the lunatic was sent and such latter order may be made notwithstanding that there may be an asylum of the county in which the workhouse is, and there may not be a deficiency of room or any other special circumstances by reason whereof the lunatic cannot conveniently be taken to that asylum.

(2.) Section ninety-four of the Lunatic Asylums Act, 1853, shall extend to authorise any justice to exercise the jurisdiction thereby conferred in relation to orders for payment of the charges of the examination, removal, lodging, maintenance, clothing, medicine, and care of a lunatic, and for making the estate of a lunatic applicable in payment of such charges.

(3.) An order may be made by a county court judge upon an application by the guardians of any union for payment of the expenses incurred by them under the Lunatic Asylums Act, 1853, and the Acts amending the same, and this Act, in relation to a lunatic, and any such order may be enforced against any property of the lunatic in the same way as a judgment of the county court.

Ministers of any religion in asylum.

77. The committee of every asylum may appoint a minister of any religious persuasion to attend patients of the religious persuasion to which the minister belongs and may allow him such remuneration for his services as they think fit.

Escape from England into Scotland or Ireland.

78.—(1.) If any person detained as a lunatic under lawful authority in England escapes into Scotland or Ireland, notice of the escape shall as soon as practicable be given to the Commissioners, who may, by writing under their seal, authorise an application to be made by such person as they shall think fit to any justice of the peace having jurisdiction in the place where the lunatic was so detained for a warrant authorising such person to retake the lunatic and bring him back to such place.

(2.) Such warrant, when granted, shall in Scotland or Ireland as well as in England be sufficient primâ facie evidence that the person stated therein to have escaped was so detained as a lunatic under lawful authority as aforesaid, and of the fact of his escape, and shall be sufficient authority for any sheriff or sheriff substitute in Scotland, or for any justice of the peace in Ireland, to countersign the same; and any such warrant so countersigned may be executed in Scotland or Ireland, as the case may be, by retaking such lunatic and bringing him from thence, to the intent that he may be restored to the custody from which he escaped.

Escape from Scotland into England or Ireland.

79.—(1.) If any person detained as a lunatic under lawful authority in Scotland escapes into England or Ireland, notice of the escape shall as soon as practicable be given to the General Board of Commissioners in Lunacy for Scotland, who may, by writing under the hand of one of such Commissioners, authorise an application to be made by such person as they shall think fit to any sheriff or sheriff substitute having jurisdiction in the place where the lunatic was so detained for a warrant authorising such person to retake the lunatic and bring him back to such place.

(2.) Such warrant, when granted, shall in England and Ireland as well as in Scotland be sufficient primâ facie evidence that the person stated therein to have escaped was so detained as a lunatic under lawful authority as aforesaid, and of the fact of his escape, and shall be sufficient authority for any justice of the peace in England or Ireland to countersign the same; and any such warrant so countersigned may be executed in England or Ireland, as the case may be, by retaking such lunatic and bringing him from thence, to the intent that he may be restored to the custody from which he escaped.

(3.) For the purposes of this section a writing purporting to be signed by one of the Commissioners in Lunacy for Scotland shall be deemed to have been signed by him until the contrary is proved.

Escape from Ireland into England or Scotland.

80.—(1.) If any person detained as a lunatic under lawful authority in Ireland escapes into England or Scotland, notice of the escape shall as soon as practicable be given to the Inspectors of Lunatics in Ireland, who may, by writing under the hand of one of them, authorise an application to be made by such person as they shall think fit to any justice of the peace having jurisdiction in the place where the lunatic was so detained for a warrant authorising such person to retake the lunatic and bring him back to such place.

(2.) Such warrant, when granted, shall in England and Scotland as well as in Ireland be sufficient primâ facie evidence that the person stated therein to have escaped was so detained as a lunatic under lawful authority as aforesaid, and of the fact of such escape, and shall be sufficient authority for any justice of the peace in England, and for any sheriff or sheriff substitute in Scotland, to countersign the same; and any such warrant so countersigned may be executed in England or Scotland, as the case may be, by retaking the lunatic and bringing him from thence, to the intent that he may be restored to the custody from which he escaped.

(3.) For the purposes of this section a writing purporting to be signed by one of the Inspectors of Lunatics in Ireland shall be deemed to have been signed by him unless the contrary is proved.

Limit of time of retaking lunatic.

81. A warrant, granted under the three preceding sections respectively, shall not authorise the retaking of a lunatic after the expiration of the time during which he could have been retaken according to the law in force in the place where he was detained as a lunatic if he had remained there after his escape.

Abuse of female lunatic.

82. If any superintendent, officer, nurse, attendant, or other person employed in any asylum (including an asylum for criminal lunatics) hospital, licensed house, or workhouse, or any person having the care or charge of any single patient, or any attendant of any single patient, shall carnally know or attempt to have carnal knowledge of any female under care or treatment as a lunatic in the asylum, hospital, licensed house, or workhouse, or as a single patient, he shall be guilty of a misdemeanor, and being thereof convicted shall be liable to be imprisoned with or without hard labour for any term not exceeding two years; and no consent or alleged consent of such female thereto shall be any defence to an indictment or prosecution for such offence.

Male person not to be employed in personal custody of female patient.

83. It shall not be lawful to employ any male person in any asylum, registered hospital, or licensed house in the personal custody or restraint of any female patient; and any person employing a male person contrary to this section shall be liable to a penalty not exceeding twenty pounds: Provided that this section shall not extend to prohibit or impose any penalty on the employment of male persons on such occasions of urgency as may, in the judgment of the superintendent or proprietor, render such employment necessary; and the superintendent or proprietor shall in each case report such employment of a male person to the visiting commissioners or visitors at their next visit.

Prosecution by Crown. 8 & 9 Vict. c. 100. s. 56.

84. The power given by section fifty-six of the Lunacy Act, 1845, to a Secretary of State, to direct the Attorney-General to prosecute on the part of the Crown in certain cases, shall, from and after the commencement of this Act, be extended to all misdemeanors committed by any persons under this or any other Act relating to lunacy.

Defaults and misdemeanors.

85.—(1.) Any person who makes default in sending to the Commissioners or any other person any return, report, extract, copy, statement, notice, plan, or document, or any information within his knowledge or obtainable by him, when required so to do under this Act or any other Act relating to lunacy, or any rules made under this Act or in complying with the said Acts or rules, shall for each day or part of a day during which the default continues be liable to a penalty not exceeding ten pounds, unless a penalty is expressly imposed by this or any other Act for such default: Provided that all or any part of the cumulative penalties may be remitted by the Court in any case in which it shall be made to appear to the satisfaction of the Court that the original default, or its continuance during any period of time, arose from mere accident or oversight, and not from wilful or culpable neglect on the part of the person sued for such penalty.

(2.) Any person who obstructs any Commissioner or visitor in the exercise of the powers conferred by this or any other Act relating to lunacy shall for each offence be liable to a penalty not exceeding fifty pounds, and shall also be guilty of a misdemeanor.

8 & 9 Vict. c. 100. s. 90.

(3.) Any person guilty of any act or omission which under section ninety of the Lunacy Act, 1845, is punishable as a misdemeanor shall also for every such act or omission be liable to a penalty not exceeding fifty pounds.

8 & 9 Vict. c. 100. 16 & 17 Vict. c. 97.

(4.) The provisions of the Lunacy Act, 1845, and the Lunatic Asylums Act, 1853, as to proceedings for offences and recovery of penalties, and the persons by whom such proceedings may be taken, shall apply to proceedings for offences and recovery of penalties under this Act.

Evidence upon prosecution.

86.—(1.) Where any person is proceeded against under the Lunacy Acts, or under this Act, on a charge of omitting to send any copy, list, notice, statement, report or other document required to be transmitted or sent by such person, the burden of proof that the same was transmitted or sent within the time required shall lie upon such person; but if he proves by the testimony of one witness upon oath that the copy, list, notice, statement, report or document in respect of which the proceeding is taken was properly addressed and put into the post in due time, or (in case of documents required to be sent to the Commissioners or a clerk of the peace or a clerk to guardians) left at the office of the Commissioners or of the clerk of the peace or clerk to guardians, such proof shall be a bar to all further proceeding in respect of such charge.

(2.) In proceedings under the Lunacy Acts or under this Act, where a question arises whether a house is or is not a licensed house or registered as a hospital, it shall be presumed not to be so licensed or registered unless the licence or certificate of registration is produced, or sufficient evidence is given that a licence or certificate is in force.

Power to amalgamate the lunacy departments.

87.—(1.) The Lord Chancellor may at any time after the commencement of this Act, if it shall seem expedient to him so to do, by any order or orders under his hand, amalgamate the office of the Masters in Lunacy and their staff, and the office of the Lord Chancellor's Visitors of Lunatics and their staff, and may amalgamate such offices, or either of them, with the office of the Commissioners in Lunacy, and may give such directions as he may think fit for the reconstitution of the Commissioners in Lunacy, and for the exercise and performance of the powers and duties of the Commissioners, and of the officers and staff amalgamated respectively under any order under this section.

(2.) In the event of any such amalgamation, the Lord Chancellor may, with the concurrence of the Treasury, fix the qualifications and salaries of the members of the amalgamated office and of the staff attached thereto, and may, with such concurrence, from time to time increase and diminish the number of such members and staff.

(3.) An order under this section shall not be made so as to prejudice the rights of the Masters, Visitors, and Commissioners respectively holding office at the passing of this Act.

(4.) The Lord Chancellor may from time to time by order direct that such proportion as he may consider reasonable of the expenses incurred in carrying any such amalgamation into effect, including the cost of providing office accommodation, shall be paid out of the per-centage charged on the incomes of lunatics under the Lunacy Regulation Act, 1853.

16 & 17 Vict. c. 70.

Power to make rules.

88.—(1.) It shall be lawful for the Commissioners, with the approval of the Lord Chancellor, from time to time, by rules, to prescribe the books to be kept in asylums, hospitals, licensed houses, and houses for single patients, and the entries to be made therein, and the returns, reports, extracts, copies, statements, notices, plans, documents, and information to be sent to the Commissioners or any authority or person and the persons, by whom, the times within which, and the manner in which, such entries, returns, reports, extracts, copies, statements, notices, plans, documents, and information are to be made and sent; and also by rules to prescribe forms for the purposes aforesaid in addition to or in substitution for any forms now in use.

(2.) Subject to the preceding sub-section, the Lord Chancellor may from time to time make rules for carrying this or any other Act relating to lunacy into effect, and also for regulating costs and fees in relation thereto, and the percentage on lunatic's estates, subject, nevertheless, as to fees and percentage, to the concurrence of the Treasury.

(3.) Where by any Act already passed or hereafter to be passed any application in lunacy is directed or authorised to be made by petition, or in any other specified manner, the Lord Chancellor may by rule direct in what manner the application is to be made.

(4.) The Lord Chancellor and the Secretary of State respectively may, by rules under this section, provide for preventing interference or delay in the exercise of the ordinary jurisdiction of the judges of county courts and magistrates respectively, by the transfer of petitions and notices or otherwise, as such rules may direct.

(5.) Subject to any rules made under this section, the existing rules shall, so far as applicable, continue in force.

(6.) Any rules and orders under any Act relating to lunacy made under this section may from time to time be varied or rescinded by the like authority.

(7.) All rules made under the foregoing provisions of this section shall be laid before Parliament within three weeks after they are made if Parliament is then sitting, and, if Parliament is not then sitting, within three weeks after the beginning of the then next session of Parliament, and shall be judicially noticed, and shall have effect as if enacted by this Act.

(8.) A rule under the provisions of this section shall not come into operation until the expiration of one month after the same has been made and issued.

(9.) This section shall come into operation immediately on the passing of this Act.

Forms.

89. Subject to rules made under this Act, the forms in the First Schedule to this Act shall be used, wherever applicable, with such modifications as circumstances may require, and if used, shall be deemed to be sufficient.

Saving as to criminal lunatics. 47 & 48 Vict. c. 64.

90. Except as by this Act otherwise expressly provided, nothing in this Act contained shall affect the provisions of the Criminal Lunatics Act, 1884, or of any other Act relating to criminal lunatics.

Definitions.

91. In this Act, unless the context otherwise requires:

"Union" includes a parish under a separate board of guardians elected either under a local Act or under the Poor Law Amendment Act, 1834. 4 & 5 Will. 4. c. 76.

"Medical practitioner" means a medical practitioner duly registered under the Medical Act, 1858, and the Acts amending the same, and the Medical Act, 1886. 21 & 22 Vict. c. 90. 49 & 50 Vict. c. 48.

"Commissioners" means Commissioners in Lunacy.

"Treasury" means the Lords Commissioners of Her Majesty's Treasury, or any two of them.

"The Judge in Lunacy" means the Lord Chancellor or any Judge of the Supreme Court of Judicature entrusted for the time being with the care and commitment of the custody of the persons and estates of idiots, lunatics, and persons of unsound mind.

"Relative" means a lineal ancestor or lineal descendant, or a lineal descendant of an ancestor not more remote than great grandfather or great grandmother.

"Reception order" means an order for the reception of a lunatic in an asylum, hospital, or licensed house, or as a single patient, and includes an urgency order.

"Local authority" means the council of an administrative county, county borough, and borough, including the City of London, in whom, under the Lunacy Acts, as amended by the Local Government Act, 1888, the powers in relation to the provision, enlargement, maintenance, management, and visitation of, and other dealing with asylums for pauper lunatics are vested; and a local authority, not being a county council, shall have the same powers in relation to those purposes as a county council.

51 & 52 Vict. c. 41.

"The Lunacy Acts" means the Acts mentioned in the Second Schedule.

"Magistrate" means a stipendiary magistrate and any magistrate appointed to act at any of the police courts of the Metropolis.

"Public department" means the Treasury, the Commissioners for executing the office of Lord High Admiral, and any of Her Majesty's Principal Secretaries of State, and any other public department of the Government.

Construction of Act.

92. This Act shall be construed as one with the Lunacy Acts, and expressions used in this Act shall according to the subject-matter in each case have the same meaning as in those Acts respectively, save as in this Act otherwise provided.

Short titles of Acts.

93. The Acts mentioned in the first column of the Second Schedule may be cited by the short titles in the second column of that schedule.

Repeal.

94. The Acts mentioned in the Third Schedule to this Act are hereby repealed to the extent in the third column of that schedule specified without prejudice to anything done or suffered thereunder.

THE FIRST SCHEDULE.

Section 89.

FORM 1.

Petition for an Order for reception of a Private Patient.

In the matter of *A.B.* a person alleged to be of unsound mind.

To His Honour the judge of the county court of [*or* To stipendiary magistrate for *or* To a justice of the peace for .]

The petition of *C.D.* of [1] in the county of .

1. I am [2] years of age.

2. I desire to obtain an order for the reception of *A.B.* as a lunatic [3] in the asylum [*or* hospital *or* house *as the case may be*] of situate at [4] .

3. I last saw the said *A.B.* at on the [5] day of

4. I am the [6] of the said *A.B.* [*or if the petitioner is not connected with or related to the patient state as follows :*]

I am not related to or connected with the said *A.B.* The reasons why this petition is not presented by a relation or connection are as follows : [*State them.*]

The circumstances under which this petition is presented by me are as follows : [*State them.*]

5. I am not related to or connected with either of the persons signing the certificates which accompany this petition as (*where the petitioner is a man*) husband, father, father-in-law, son, son-in-law, brother, brother-in-law, partner or assistant, (*or where the petitioner is a woman*) wife, mother, mother-in-law, daughter, daughter-in-law, sister, sister-in-law, partner or assistant.

6. I undertake to visit the said *A.B.* personally or by some one specially appointed by me at least once in every six months while under care and treatment under the order to be made on this petition.

7. A statement of particulars relating to the said *A.B.* accompanies this petition.

If it is the fact add :

8. The said *A.B.* has been received in the asylum [*or* hospital *or* house *as the case may be*] under an urgency order dated the

The petitioner therefore prays that an order may be made in accordance with the foregoing statement.

[Signed]

Dated full Christian and surname.

[1] Full postal address and rank, profession, or occupation.

[2] At least twenty-one.

[3] or an idiot or person of unsound mind.

[4] Insert a full description of the name and locality of the asylum, hospital, or licensed house, or the full name, address, and description of the person who is to take charge of the patient as a single patient.

[5] Some day within 14 days before the date of the presentation of the petition.

[6] Here state the connection or relationship with the patient.

FORM 2.

Statement of Particulars.

STATEMENT of particulars referred to in the annexed petition [or in the above or annexed order].

The following is a statement of particulars relating to the said *A.B.* [1] :—

Name of patient, with Christian name at length.

Sex and age.

[1] If any particulars are not known, the fact is to be so stated

[Where the patient is in the petition or order described as an idiot omit the particulars marked †].

†Married, single, or widowed.
†Rank, profession, or previous occupation (if any).
†Religious persuasion.
Residence at or immediately previous to the date hereof.
†Whether first attack.
Age on first attack.
When and where previously under care and treatment as a lunatic, idiot, or person of unsound mind.
†Duration of existing attack.
Supposed cause.
Whether subject to epilepsy.
Whether suicidal.
Whether dangerous to others, and in what way.
Whether any near relative has been afflicted with insanity.
Names, Christian names, and full postal addresses of one or more relatives of the patient.
Name of the person to whom notice of death to be sent, and full postal address if not already given.
Name and full postal address of the usual medical attendant of the patient.

(Signed)

When the petitioner or person signing an urgency order is not the person who signs the statement, add the following particulars concerning the person who signs the statement.
- Name with Christian name at length.
- Rank, profession, or occupation (if any).
- How related to or otherwise connected with the patient.

FORM 3.

Order for reception of a private patient to be made by a Judge of County Courts, Stipendiary Magistrate, or Justice appointed under the Lunacy Acts Amendment Act, 1889.

I, the undersigned *E.F.*, being the Judge of the County Court of [*or* the Stipendiary Magistrate for , or a Justice for specially appointed under the Lunacy Acts Amendment Act, 1889] upon the petition of *C.D.*, of [1] in the matter of *A.B.* a lunatic, [2] accompanied by the medical certificates of *G.H.* and *I.J.* hereto annexed, and upon the undertaking of the said *C.D.* to visit the said *A.B.* personally or by some one specially appointed by the said *C.D.* once at least in every six months while under care and treatment under this order, hereby authorise you to receive the said *A.B.* as a patient into your asylum [3]. And I declare that I have [*or* have not] personally seen the said *A.B.* before making this order.

[1] Address and description.
[2] Or an idiot or person of unsound mind.
[3] Or hospital or house or as a single patient.

Dated

(Signed) *E.F.*
The Judge of the County Court of
[*or* a Stipendiary Magistrate, *or* a Justice for appointed under the above-mentioned Act.]

To [4]

[4] To be addressed to the medical superintendent of the asylum or hospital, or to the proprietor or superintendent of the house in which the patient is to be placed.

FORM 4.

Form of urgency Order for the reception of a private patient.

I, the undersigned, being a person twenty-one years of age, hereby authorise you to receive as a patient into your house [1] *A.B.*, as a lunatic [2], whom I last saw at on the [3] day of 18 . I am not related to or connected with the person signing the certificate which accompanies this order in any of the ways mentioned in the margin [4]. Subjoined [or annexed] hereto [5] is a statement of particulars relating to the said *A.B.*

(Signed) Name and Christian name at length
Rank, profession, or occupation (if any)
Full postal address
How related to or connected with the patient
[If not the husband or wife or a relative of the patient, the person signing to state as briefly as possible: 1. Why the order is not signed by the husband or wife or a relative of the patient. 2. His or her connexion with the patient, and the circumstances under which he or she signs.]

Dated this day of 18 .

To proprietor or superintendent of house [6] [*or* hospital *or* asylum].

[1] Or hospital or asylum or as a single patient.
[2] Or an idiot or a person of unsound mind.
[3] Some day within two days before the date of the order.
[4] Husband, wife, father, father-in-law, mother, mother-in-law, son, son-in-law, daughter, daughter-in-law, brother, brother-in-law, sister, sister-in-law, partner, or assistant.
[5] *See* Form 2.
[6] Describing house or hospital or asylum by situation and name.

FORM 5.

Certificate as to Personal Interview after Reception.

I certify that it would be prejudicial to *A.B.* to be taken before or visited by a judge of county courts, magistrate, or justice.

(Signed) *C.D.*,
Medical Superintendent of the
Asylum *or* Hospital,
or Medical Proprietor *or* Attendant
of the *or*
Medical Attendant of the said *A.B.*

FORM 6.

Notice of Right to Personal Interview.

Take notice that you have the right, if you desire it, to be taken before or visited by a judge of county courts, magistrate, or justice. If you desire to exercise such right, you must give me notice thereof by signing the enclosed form on or before the day of

Dated

(Signed) *C.D.*
Superintendent of the
Asylum *or* Hospital
or Proprietor of [*or*
as the case may be].

FORM 7.

Notice of Desire to have a Personal Interview.

Dated

[*Address*]

I desire to be taken before or visited by a judge, magistrate, or justice having jurisdiction in the district within which I am detained.

(Signed)

FORM 8.

Certificate of Medical Practitioner.

In the matter of *A.B.* of [1] in the county [2] of [3], an alleged lunatic.

I, the undersigned *C.D.*, do hereby certify as follows:

1. I am a person registered under the Medical Act, 1858, and I am in the actual practice of the medical profession.

2. On the day of 18 , at [4] in the county [5] of [separately from any other practitioner] [6], I personally examined the said *A.B.* and came to the conclusion that he is a [lunatic, an idiot, or a person of unsound mind] and a proper person to be taken charge of and detained under care and treatment.

3. I formed this conclusion on the following grounds, viz.:—

(*a.*) Facts indicating insanity observed by myself at the time of examination [7], viz.:—

(*b.*) Facts communicated by others, viz.:—[8]

[*If an urgency certificate is required it must be added here. See* Form 9.]

If the lunatic is to be received as a single patient in a house belonging to or kept by a medical practitioner under the order of a county court judge, magistrate, or justice, add the following paragraph:—

4. I certify that the said *A.B.* is suffering from unsoundness of mind of a temporary character [*or* from decay of mind in old age, *or* is desirous of voluntarily submitting to care and treatment, *as the case may be*].

5. The said *A.B.* appeared to me to be [*or* not to be] in a fit condition of bodily health to be removed to an asylum, hospital, or licensed house. [9]

6. I give this certificate having first read the section of the Act of Parliament printed below.

Dated (Signed) *C.D.*, of [10]

Extract from section 23 of the Lunacy Acts Amendment Act, 1889.

Any person who makes a wilful misstatement of any material fact in any medical or other certificate or in any statement or report of bodily or mental condition under the Lunacy Acts, or under this Act, shall be guilty of a misdemeanor.

[1] Insert residence of patient.
[2] City or borough, as the case may be.
[3] Insert profession or occupation, if any.
[4] Insert the place of examination, giving the name of the street, with number or name of house, or should there be no number, the christian and surname of occupier.
[5] City or borough, as the case may be.
[6] Omit this where only one certificate is required.
[7] If the same or other facts were observed previous to the time of the examination, the certifier is at liberty to subjoin them in a separate paragraph.
[8] The names and christian names (if known) of informants to be given, with their addresses and descriptions.
[9] Strike out this clause in case of a private patient whose removal is not proposed.
[10] Insert full postal address.

Form 9.

Statement accompanying Urgency Order.

I certify that it is expedient for the welfare of the said *A.B.*, [*or* for the public safety, *as the case may be*] that the said *A.B.* should be forthwith placed under care and treatment.

My reasons for this conclusion are as follows: [*state them*].

Form 10.

Certificate as to pauper Lunatic in a Workhouse.

I, the undersigned Medical Officer of Workhouse of the Union hereby certify that I have carefully examined into the state of health and mental condition of *A.B.*, a pauper in the said workhouse, and that he is in my opinion a lunatic, and a proper person to be allowed to remain in the workhouse as a lunatic, and that the accommodation in the workhouse is sufficient for his proper care and treatment separate from the inmates of the workhouse not lunatics [*or*, that his condition is such that it is not necessary for the convenience of the lunatic or of the other inmates that he should be kept separate].

The grounds for my opinion that the said *A.B.* is a lunatic are as follows:

Dated

(Signed)
Medical Officer of the Workhouse.

Form 11.

Order for detention of Lunatic in Workhouse.

I, the undersigned *C.D.*, a justice of the peace for being satisfied that *A.B.*, a pauper in the workhouse of the is a lunatic [or idiot or person of unsound mind] and a proper person to be taken charge of under care and treatment in the workhouse, and being satisfied that the accommodation in the workhouse is sufficient for his proper care and treatment separate from the inmates of the workhouse not lunatics [*or*, that his condition is such that it is not necessary for the convenience of the lunatic or of the other inmates that he should be kept separate] hereby authorise you to take charge of, and, if the workhouse medical officer shall certify it to be necessary, to detain the said *A.B.* as a patient in your workhouse. Subjoined is a statement of particulars respecting the said *A.B.*

(Signed) *C.D.*,
A justice of the peace
for

Dated
To the Master of the
Workhouse
of the .

Statement of Particulars.

Name of patient and Christian name at length.
Sex and age.
Married, single, or widowed.
Condition of life and previous occupation (if any).
Religious persuasion as far as known.
Previous place of abode.
Whether first attack.
Age (if known) on first attack.
When and where previously under care and treatment.
Duration of existing attack.
Supposed cause.
Whether subject to epilepsy.
Whether suicidal.
Whether dangerous to others.
Whether any near relative has been afflicted with insanity.
Name and Christian name and address of nearest known relative of the patient and degree of relationship if known.

I certify that to the best of my knowledge the above particulars are correct.

[To be signed by the relieving officer.]

FORM 12.

Order for reception of a Pauper Lunatic.

I, *C.D.*, having called to my assistance *E.F.* of , a duly qualified medical practitioner, and being satisfied that *A.B.* [*describing him*] is a pauper [in receipt of relief, *or* in such circumstances as to require relief for his proper care and maintenance], and that the said *A.B.* is a lunatic [*or* an idiot, *or* a person of unsound mind] and a proper person to be taken charge of and detained under care and treatment, hereby direct you to receive the said *A.B.* as a patient into your asylum [*or* hospital, *or* house]. Subjoined is a statement of particulars respecting the said *A.B.*

(Signed) *C.D.*,
A justice of the peace for

Dated the day of one thousand eight hundred and

To the superintendent of the asylum for the county [*or* borough] of [*or* the lunatic hospital of ; *or E.F.* proprietor of the licensed house of ; describing the asylum, hospital, or house].

Note.—Where the order directs the lunatic to be received into any asylum, other than an asylum of the county or borough in which the parish or place from which the lunatic is sent is situate, or into a registered hospital or licensed house, it shall state, that the justice making the order is satisfied that there is no asylum of such county or borough, or that the asylum thereof is full; or (as the case may be) the special circumstances, by reason whereof the lunatic cannot conveniently be taken to an asylum for such first-mentioned county or borough.

Statement of Particulars.

STATEMENT of particulars referred to in the above or annexed order.

The following is a statement of particulars relating to the said *A.B.* [1] :—

Name of patient, with Christian name at length.
Sex and age.

[1] If any particulars are not known, the fact is to be so stated.

[Where the patient is in the order described as an idiot omit the particulars marked †].

†Married, single, or widowed.
†Rank, profession, or previous occupation (if any).
†Religious persuasion.
Residence at or immediately previous to the date hereof.
†Whether first attack.
Age on first attack.
When and where previously under care and treatment as a lunatic, idiot, or person of unsound mind.
†Duration of existing attack.
Supposed cause.
Whether subject to epilepsy.
Whether suicidal.
Whether dangerous to others, and in what way.
Whether any near relative has been afflicted with insanity.
Union to which lunatic is chargeable.
Names, Christian names, and full postal addresses of one or more relatives of the patient.
Name of the person to whom notice of death to be sent, and full postal address if not already given.

(Signed) *G.H.*
To be signed by the Relieving Officer or Overseer.

Form 13.

Certificate that patient continues of unsound mind.

I, , certify that *A.B.*, the patient [*or A.B.*, *C.D.*, &c., the patients] to whom the annexed report relates, is [*or* are] still of unsound mind, and a proper person [*or* proper persons] to be detained under care and treatment.

(Signed)
Medical officer of the asylum, or medical attendant of the hospital or house situate at , or medical practitioner visiting the said *A.B.*

Dated

Form 14.

Consent of the Commissioners in Lunacy to the admission of a boarder.

We hereby sanction the admission of *A.B.* as a boarder into for the term of from the day of in accordance with the provisions of the statute and in terms of *A.B.'s* application.

(Signed)
Commissioners in Lunacy.

Given at the office of the Commissioners in Lunacy, London, this day of 18 .

Form 15.

Order for Reception of a Lunatic not under proper care and control, or cruelly treated or neglected, to be made by a Justice appointed under the Lunacy Acts Amendment Act, 1889.

I, the undersigned *C.D.*, being a Justice for specially appointed under the Lunacy Acts Amendment Act, 1889, having caused *A.B.* to be examined by two duly qualified medical practitioners, and being satisfied that the said *A.B.* is a lunatic not under proper care and control [*or* is cruelly treated or neglected by the person having the care or charge of him,] and that he is a proper person to be taken charge of and detained under care and treatment, hereby direct you to receive the said *A.B.* as a patient into your asylum [*or* hospital *or* house]. Subjoined is a statement of particulars respecting the said *A.B.*

(Signed)
A justice of the peace for
appointed under the above-mentioned Act.

Dated

To the Superintendent of the Asylum for , or of the lunatic hospital of , or the proprietor of the licensed house at .

Statement of Particulars.

STATEMENT of particulars referred to in the above or annexed order.

The following is a statement of particulars relating to the said *A.B.* [1] :—

[1] If any particulars are not known, the fact is to be so stated.

[Where the patient is in the order described as an idiot omit the particulars marked †].

Name of patient, with Christian name at length.
Sex and age.
†Married, single, or widowed.
†Rank, profession, or previous occupation (if any).
†Religious persuasion.
Residence at or immediately previous to the date hereof.
†Whether first attack.
Age on first attack.
When and where previously under care and treatment as a lunatic, idiot, or person of unsound mind.
†Duration of existing attack.
Supposed cause.
Whether subject to epilepsy.
Whether suicidal.
Whether dangerous to others, and in what way.
Whether any near relative has been afflicted with insanity.
Union to which lunatic is chargeable.
Names, Christian names, and full postal addresses of one or more relatives of the patient.
Name of the person to whom notice of death to be sent, and full postal address if not already given.

(Signed)
To be signed by the relieving officer, overseer, or other person on whose information the order is made.

FORM 16.

Certificate as to Mechanical Means of Restraint.

I, the undersigned *C.D.* [the medical superintendent, *or* a medical officer of the Asylum, *or* the Hospital, *or* the medical proprietor or attendant of the House, *or* the medical officer of the Workhouse, *or* the medical attendant of *A.B.*, a lunatic under care or treatment at , *as the case may be*] certify that I have examined *A.B.*, a lunatic in the said [asylum, hospital, house, *or* workhouse, *or* the said *A.B.*, *as the case may be*], and that in my opinion mechanical means of bodily restraint were [*or* are] necessary in his case for purposes of surgical [*or* medical] treatment [*or* to prevent him from injuring himself *or* others]. The necessary means are [*state them*].

I found my opinion upon the following grounds [*state them*].

(Signed)

Form 17.

Certificate of Disability of Person entitled to Payments from a Public Department.

I, , being a justice of the peace for *or* the rector, *or* vicar, *or* minister [*state the denomination and residence*], hereby certify that I know the said *A.B.*, and that I believe him *or* her to be unable, by reason of mental disability, to manage his *or* her affairs; and I further certify that I believe the family of the said *A.B.* to consist of

Dated .

Signed [*Name*].
[*Place of abode*].

Form 18.

Medical Certificate of Disability of Person entitled to Payments from a Public Department.

I , being a person registered under the Medical Act, 1858, and in the actual practice of my profession, hereby certify that I have this day visited and personally examined *A.B.*, and that the said *A.B.* is unable by reason of mental disability to manage his *or* her affairs, and that I have formed this conclusion on the following grounds, viz.: [*state them*].

Dated .

Signed [*Name*].
[*Postal address in full.*]

Sections 91, 93.

THE SECOND SCHEDULE.

Session and Chapter.	Short Title.
8 & 9 Vict. c. 100. - -	The Lunacy Act, 1845.
16 & 17 Vict. c. 96. - -	The Lunacy Act, 1853.
16 & 17 Vict. c. 97. - -	The Lunatic Asylums Act, 1853.
18 & 19 Vict. c. 105. - -	The Lunacy Act, 1855.
19 & 20 Vict. c. 87. - -	The Lunacy Act, 1856.
25 & 26 Vict. c. 111. - -	The Lunacy Act, 1862.
26 & 27 Vict. c. 110. - -	The Lunacy Act, 1863.
28 & 29 Vict. c. 80. - -	The Lunacy Act, 1865.
48 & 49 Vict. c. 52. - -	The Lunacy Act, 1885.

Section 94.

THE THIRD SCHEDULE.

Session and Chapter.	Short Title.	Extent of Repeal.
8 & 9 Vict. c. 100. -	The Lunacy Act, 1845	Sections seventy-six, seventy-seven, and eighty-eight.
16 & 17 Vict. c. 70. -	The Lunacy Regulation Act, 1853.	Section one hundred and fifty-three.
16 & 17 Vict. c. 96. -	The Lunacy Act, 1853	Sections five, six, eleven, twelve, and thirty-two. Schedules A. and B.

Session and Chapter.	Short Title.	Extent of Repeal.
16 & 17 Vict. c. 97. -	The Lunatic Asylums Act, 1853.	Section thirty-five. Section forty-three, the words "and such lunatic" to the end of the section. Sections sixty-seven and sixty-eight so far as they provide that a justice may in any case act upon his own knowledge only for the purpose of making an order. Section sixty-eight, so far as relates to any person, not a pauper and not wandering at large, who is deemed to be a lunatic and not under proper care and control or is cruelly treated or neglected by any relative or other person having the care or charge of him. Sections sixty-nine, seventy-six, and eighty-seven. Schedule F., Nos. 1, 2, and 3.
25 & 26 Vict. c. 111.	The Lunacy Act, 1862	Sections eighteen, twenty, twenty-four, twenty-seven, and forty.
39 & 40 Vict. c. 36. -	The Customs Consolidation Act, 1876.	Section three from "Provided" to the end of the section.
50 & 51 Vict. c. 67. -	The Superannuation Act, 1887.	Section seven, subsection one.

CHAPTER 42.

An Act to amend the Law relating to the Customs and Inland Revenue, and for other purposes connected with the Public Revenue and Expenditure.

[26th August 1889.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

PART I.

Customs.

Prohibition of importation of certain books.

1. The following goods shall from and after the passing of this Act, be included amongst the goods enumerated and described on

and compressed tobacco.

the table of prohibitions and restrictions contained in section forty-two of the Customs Consolidation Act, 1876; namely,

49 & 50 Vict. c. 33.

Books, first published in any country or state other than the United Kingdom, wherein, under the International Copyright Act, 1886, or any other Act, or any Order in Council made under the authority of any Act, there is a subsisting copyright in the United Kingdom, printed or reprinted in any country or state other than the country or state in which they were first published, and as to which the owner of the copyright, or his agent in the United Kingdom, has given to the Commissioners of Customs in the manner prescribed by section forty-four of the Customs Consolidation Act, 1876, a notice in such form and giving such particulars as those Commissioners require, and accompanied by a declaration as provided in that section:

39 & 40 Vict. c. 36.

Tobacco cut and compressed by mechanical or other means.

Prohibition of importation of imitation coin. 39 & 40 Vict. c. 36.

2.—(1.) It shall not be lawful to import or bring into the United Kingdom any imitation coin as defined by this Act, and any such imitation coin shall be included among the goods enumerated and described in the table of prohibitions and restrictions inwards contained in section forty-two of the Customs Consolidation Act, 1876, and the law relating to the Customs shall apply accordingly.

(2.) Provided that the Commissioners of Customs, acting under the direction of the Treasury, may permit the importation of any imitation coin in a particular instance if they are satisfied that such importation is for the purposes of knowledge or art, or any exhibition or collection, or for any lawful purpose, and that the imitation coin is not likely to circulate as current coin, or to be otherwise used for deceiving the public.

(3.) Each of the following articles, if not a British coin, shall be an imitation coin within the meaning of this Act, that is to say—

(*a.*) Any piece of gold, silver, copper, or bronze, or of metal or mixed metal, purporting to be a British coin or a token for British money, or bearing any word or device which indicates or may reasonably be taken to indicate that the holder thereof is entitled to demand any value in British money denoted thereon; and

(*b.*) Any medal, cast, coin, or other like thing made wholly or partially of metal or any metallic combination, and resembling in size, figure, and colour any British coin, or having thereon a device resembling any device on any British coin, or being so formed that it can, by gilding, silvering, colouring, washing, or other like process, be so dealt with as to resemble any British coin.

(4.) In this section the expression "British coin" means any coin coined in or for any of Her Majesty the Queen's mints or lawfully current by virtue of any proclamation or otherwise in any part of Her Majesty's dominions, whether within the United Kingdom or otherwise, and the expression "British money" means money expressed in the terms of any British coin.

Shippers of fuel to be used on board only,

3. Where a ship touching at a port in the United Kingdom for the purpose only of taking in coals or fuel for use, and proceeding on a voyage to a foreign port, is not, under the regulations of the Commissioners of Customs, required to clear, every person who ships such coals or fuel shall, for the purposes of section eleven of the Customs and Inland Revenue Act, 1881, be deemed to be the exporter of the coals or fuel.

to be exporters within 44 & 45 Vict. c. 12.

Provided that the period within which the specification mentioned in that section is required to be delivered shall, in the case of such coals or fuel, be reckoned from the time of shipment.

4. The conveyance from the Isle of Man to any port in England, Scotland, or Ireland, of any explosives within the meaning of the Explosives Act, 1875, on the unloading or landing of which any restriction is imposed by or in pursuance of that Act, or of any explosive substance within the meaning of the Explosive Substances Act, 1883, which is liable to forfeiture under that Act, shall be deemed to be exportation from the Isle of Man and importation into that port, and all the provisions of the Customs Acts relating to the exportation and importation of goods shall apply accordingly.

Conveyance of explosives from Isle of Man to England, &c. to be deemed exportation and importation. 38 & 39 Vict. c. 17. 46 & 47 Vict. c. 3.

5.—(1.) Section one hundred and one of the Customs Consolidation Act, 1876, is hereby repealed to the following extent, namely, the words "other than spirits or tobacco," the words "not "having on board any drawback or other goods liable to duties of "Customs or Excise," and the words "not entitled to drawback or "liable to duties of Customs or Excise."

Repeal of certain words in 39 & 40 Vict. c. 36. s. 101, 47 & 48 Vict. c. 62. s. 2.

(2.) Section two of the Revenue Act, 1884, is also hereby repealed to the following extent, namely, the words "not entitled to any "drawback, or liable to any duties of Customs or Excise."

6. Where any goods of a kind or description liable to a duty of Customs have been taken from a warehouse, either with or without the permission of an officer of Customs, as unfit for consumption, by reason of the mixture therewith of any other matter, any person who separates the goods from such other matter shall be deemed to be dealing with the goods with intent to defraud Her Majesty, and shall be liable to the penalties imposed by, and may be dealt with under, section one hundred and eighty-six of the Customs Consolidation Act, 1876.

Dutiable matter not to be separated from other matter taken from warehouse as unfit for consumption.

7. Section two hundred and fifteen of the Customs Consolidation Act, 1876, shall be read as if the following words were added thereto:—

Payment of rewards.

And all moneys similarly payable to persons employed by or under the Post Office may be paid to the Postmaster-General, whose receipt shall be a sufficient discharge for the same, and who shall be at liberty to apply the same for the benefit of the officers of the Post Office, or any of them, as he may in his discretion deem best from time to time.

8. References in any Act to sections one hundred and ninety-five, one hundred and ninety-six, and one hundred and ninety-seven of the Customs Consolidation Act, 1853, shall be construed as references to sections one hundred and sixty-five, one hundred and sixty-six, and one hundred and sixty-seven of the Customs Consolidation Act, 1876.

Substitution of 39 & 40 Vict. c. 36. ss. 165–167 for 16 & 17 Vict. c. 107. ss. 195–197.

PART II.

Taxes.

Consideration for redemption or purchase of land tax.

9.—(1.) Where the consideration for the redemption or purchase of any land tax under the several Acts in force in that behalf is a sum of stock, the stock shall be Two and Three-quarters per Cent. Consolidated Stock; and where the consideration is a sum of money, that sum shall be the amount calculated and ascertained by reference to the price of such stock.

(2.) The tables annexed to any of the said Acts shall be construed as if for references therein to Three per cent. Bank Annuities were substituted references to Two and Three-quarters per Cent. Consolidated Stock, and any forms contained in, or prescribed by any of the said Acts may be altered so as to give effect to this section.

Rate of discount on prepayment of income tax.

10. The allowance to be made under section one hundred and forty-one of the Act of the session held in the fifth and sixth years of Her Majesty's reign, chapter thirty-five, shall be at the rate of two pounds ten shillings per centum per annum in lieu of the rate of four pounds per centum per annum.

Partial repeal of 43 & 44 Vict. c. 19. s. 114.

11. So much of section one hundred and fourteen of the Taxes Management Act, 1880, as allows a collector of land tax to retain any excess of or surplus land tax is hereby repealed.

Allowance of income tax, Schedule A. to friendly societies.

12. Any friendly society which is legally established under any Act of Parliament relating to friendly societies, and which does not assure or grant to any individual any sum or annuity to an amount which would debar that society from the benefit of the exemption granted to friendly societies by the Act of the session held in the fifth and sixth years of Her Majesty's reign, chapter thirty-five, in respect of their stocks, dividends, and interest chargeable under Schedule (C.) of the said Act shall, in addition to any exemption from income tax which the society may by law enjoy, be entitled to the like allowances in respect of any charge under Schedule (A.) to be made on the lands, tenements, hereditaments, or heritages belonging to the society as are granted to colleges and other properties mentioned in No. VI. of that schedule in section sixty-one of the said Act.

Amendment of law as to allowances to clerks to Commissioners of Taxes.

13. It shall be lawful for the Commissioners of Inland Revenue, with the consent of the Treasury, to grant, in addition to the allowances and remuneration payable to clerks to Commissioners of Income Tax and Inhabited House Duties by virtue of the Taxes Management Act, 1880, such further sums for expenses incurred other than necessary office expenses, and by way of additional remuneration as they may deem expedient.

Proceedings against collectors and others in relation to taxes.

14.—(1.) The provisions of the Taxes Management Act, 1880, shall not affect any prosecution on indictment or criminal letters for any felony or misdemeanour, provided that no person shall be proceeded against twice in respect of the same offence.

(2.) A collector of land tax, income tax, or inhabited house duties shall, for the purpose of any indictment or criminal letters for any felony or misdemeanour committed by him as such collector, be deemed to be employed in the public service of Her Majesty, and to be a clerk, officer, or servant of the Commissioners of Inland Revenue.

PART III.

Stamps.

Repeal of 52 & 53 Vict. c. 7. s. 18, and substitution of other provisions therefor.

15. Section eighteen of the Customs and Inland Revenue Act, 1889, is hereby repealed, and there shall be substituted therefor the following, which shall commence and take effect as from the date of the passing of that Act:—

(1.) Any contract or agreement made in England or Ireland under seal, or under hand only, or made in Scotland, with or without any clause of registration, for the sale of any equitable estate or interest in any property, or for the sale of any estate or interest in any property except lands, tenements, hereditaments, or heritages, or property locally situate out of the United Kingdom, or goods, wares, or merchandise, or stock, or marketable securities, or any ship or vessel, or part interest, share, or property of or in any ship or vessel, shall be charged with the same ad valorem duty, to be paid by the purchaser, as if it were an actual conveyance on sale of the estate, interest, or property agreed or contracted to be sold.

(2.) Where the purchaser has paid the said ad valorem duty, and before having obtained a conveyance or transfer of the property, enters into a contract or agreement for the sale of the same, the contract or agreement shall be charged, if the consideration for such sale is in excess of the consideration for the original sale, with the ad valorem duty payable in respect of such excess consideration, and in any other case with the fixed duty of ten shillings or of sixpence, as the case may require, according to the law in force prior to the passing of the Customs and Inland Revenue Act, 1889. 52 & 53 Vict. c. 7.

(3.) Where duty shall have been duly paid in conformity with the foregoing provisions, the conveyance or transfer made to the purchaser or sub-purchaser, or any other person on his behalf or by his direction, shall not be chargeable with any duty, and the Commissioners of Inland Revenue, upon application, either shall, under the provisions of section fourteen of the Stamp Act, 1870, denote the payment of the ad valorem duty upon the conveyance or transfer, or shall transfer the ad valorem duty thereto upon production of the contract or agreement, or contracts or agreements, duly stamped. 33 & 34 Vict. c. 97.

(4.) Provided that where any such contract or agreement is stamped with the fixed duty of ten shillings or of sixpence, as the case may require, according to the law in force prior to the passing of the Customs and Inland Revenue Act, 1889, the contract or agreement shall be regarded as duly stamped for the mere purpose of proceedings to enforce specific performance or recover damages for the breach thereof.

(5.) Provided also that where any such contract or agreement is stamped with the said fixed duty according to the law in force as aforesaid, and a conveyance or transfer made in conformity with the contract or agreement is presented to the said Commissioners for stamping with the ad valorem duty chargeable thereon under the said law within the period of six months after the first execution of the contract or agreement, or within such longer period as the said Commissioners may think reasonable in the circumstances of the case, the said conveyance or transfer shall be stamped accordingly, and the same, and the said contract or agreement, shall be deemed to be duly stamped. Nothing in this proviso shall alter or affect the provisions of the said law as to the stamping of a conveyance or transfer after the execution thereof.

(6.) Provided also, that the ad valorem duty paid upon any such contract or agreement for sale as aforesaid shall be returned by the said Commissioners in case the contract or agreement be afterwards rescinded or annulled, or for any other reason be not substantially performed or carried into effect, so as to operate as or be followed by a conveyance or transfer.

(7.) Words and expressions in this section shall have the like meaning and interpretation as in the Stamp Act, 1870.

Extension of exemption of coupons.

16. The exemption from Stamp Duty under the head "Bill of Exchange" in the schedule to the Stamp Act, 1870, of "Coupon or Warrant for Interest attached to and issued with any security," shall extend to a coupon or warrant for interest attached to and issued with any agreement or memorandum for the renewal or extension of time for payment of a security.

Duty of one penny upon a lease or tack in Scotland may be denoted by adhesive stamp.

17. The duty of one penny upon a lease or tack, or agreement for a lease or tack, in Scotland, of any dwelling-house or tenement, or part of a dwelling-house or tenement, for the definite term of a year at a rent not exceeding ten pounds per annum, or upon the duplicate or counterpart of any such instrument, may be denoted by an adhesive stamp which is to be cancelled by the person by whom the instrument is first executed.

Amendment of 46 & 47 Vict. c. 30. s. 7, as to shares in colonial registers.

18. Notwithstanding provision *(b)* in section seven of the Companies (Colonial Registers) Act, 1883, the share or other interest of a deceased member, registered in a Colonial register under that Act, who shall have died domiciled elsewhere than in the United Kingdom, shall, so far as relates to British duties, not be deemed to be part of his estate and effects situated in the United Kingdom, for or in respect of which probate or letters of administration is or are to be granted, or whereof an inventory is to be exhibited and recorded.

Amendment of s. 11 of 47 & 48 Vict. c. 62.

19. The proviso to section eleven of the Revenue Act, 1884, is hereby repealed, and that section shall be read as if the following proviso were therein inserted in lieu of the repealed proviso:

Haas v Atlas Insce Co.
1913 2 KB 209 [illegible]
o issued from which
able – but may
[illegible] 56
[illegible] –

Provided that where a policy of life assurance has been effected with any insurance company by a person who shall die domiciled elsewhere than in the United Kingdom, the production of a grant of representation from a court in the United Kingdom shall not be necessary to establish the right to receive the money payable in respect of such policy.

Policies of insurance against

20. Whereas a practice has arisen of inserting in newspapers and other publications notices or advertisements which purport to insure the payment of money upon the death of the holder or bearer of the newspaper or publication containing the notice or advertisement only from accident or violence or otherwise than from a natural cause, and doubts have arisen as to the liability of such notices or advertisements to the stamp duty of one penny imposed by the Stamp Act, 1870, upon a policy of insurance for any payment agreed to be made upon the death of any person only from accident or violence or otherwise than from a natural cause, and it is expedient to remove such doubts and to make such provisions in relation to composition for the stamp duty as are in this section contained: Be it therefore enacted as follows:— accident: composition by agreement for stamp duty thereon. 33 & 34 Vict. c. 97.

(*a.*) The expression "policy of insurance against accident" as used in this section means a policy of insurance for any payment agreed to be made upon the death of any person only from accident or violence or otherwise than from a natural cause, or as compensation for personal injury, and the term "policy" as defined in section one hundred and seventeen of the Stamp Act, 1870, shall be construed, in relation to a policy of insurance against accident, as including any notice or advertisement in a newspaper or other publication which purports to insure the payment of money upon the death of or injury to the holder or bearer of the newspaper or publication containing the notice only from accident or violence or otherwise than from a natural cause:

(*b.*) Where any person or body, corporate or unincorporate, issuing policies of insurance against accident, shall, in the opinion of the Commissioners of Inland Revenue, so carry on the business of such insurance as to render it impracticable or inexpedient to require that the stamp duty of one penny as imposed by the Stamp Act, 1870, be charged and paid upon the policies, it shall be lawful for the said Commissioners to enter into an agreement with that person or body for the delivery to them of quarterly accounts of all sums received in respect of premiums on policies of insurance against accident, and the agreement shall be in such form and contain such terms and conditions as the said Commissioners may think proper:

(*c.*) After an agreement has been entered into between the said Commissioners and any person or body under the foregoing provision and during the period for which the agreement is in force, no policy of insurance against accident issued by that person or body shall be chargeable with any stamp duty, but in lieu of and by way of composition for such stamp duty there shall be charged on the aggregate amount of all sums received in respect of premiums on policies of insurance against accident a duty at the rate of five pounds per centum, which duty shall be a stamp duty and shall be under the care and management of the said Commissioners, who by themselves and their officers shall have the same powers and authorities for the collection, recovery, and management thereof as are now vested in them for the collection, recovery, and management of any stamp duties, and shall have all other powers and authorities requisite for such purposes:

(*d.*) The quarterly accounts to be delivered by or on behalf of any person or body to the said Commissioners shall be delivered within twenty days after the fifth day of April, the fifth day of July, the tenth day of October, and the fifth day of January in every year, and every account shall be a full and true account of all unstamped policies of insurance against accident issued by that person or body during the quarter of a year ending on any of the said days next preceding the delivery thereof, and of all sums of money received for or in respect of such policies so issued during that quarter, and of all sums of money received and not already accounted for in respect of any other unstamped policies of insurance against accident issued at any time before the commencement of that quarter:

(*e.*) The duty imposed by this section shall be paid on the delivery of the account, and unless then paid shall be a debt due to Her Majesty from the person or body by or on whose behalf the account is delivered:

(*f.*) In the case of wilful neglect to deliver such an account as is hereby required or to pay the duty in conformity with this section, the person or body shall be liable to pay to Her Majesty a sum equal to ten pounds per centum upon the amount of duty payable, and a like penalty for every month after the first month during which the neglect continues.

PART IV.

Excise.

Payment of allowances on certain spirits under 48 & 49 Vict. c. 51. s. 3.

21. Notwithstanding anything to the contrary in section three of the Customs and Inland Revenue Act, 1885, the allowances payable under that section may, in the case of British compounded spirits of a strength exceeding eleven degrees over proof, and spirits of the nature of spirits of wine, be paid, on the production of a certificate from the proper officer of inland revenue or customs that the same have been deposited in an excise or customs warehouse, to the person in whose name they are warehoused; and any payment heretofore made on the deposit of such spirits shall be deemed to have been legally made in discharge of all claims to any allowance payable in respect thereof.

Fractions of a penny not to be charged upon excise licences.

22. In the case of payment by, or repayment to, any person in respect of duty upon an excise licence no fractional part of a penny shall be charged and paid or repaid.

Expiration of tobacco licences taken out by retailers of intoxicating liquors.

23.—(1.) Where any person carries on the trade of a dealer in or seller of tobacco in the same house or premises in which he also carries on the trade of a retailer of spirits, wine, beer, or sweets, the licence granted to him for the sale of tobacco shall expire on the day on which the licence granted to him for the sale of spirits, wine, beer, or sweets by law expires.

(2.) Where by reason of this section a licence for the sale of tobacco expires before the date at which it would otherwise have expired, a proportionate part of the duty shall be allowed.

Penalty for contravention of terms of excise licence.

24. If any person holding an excise licence for the sale of any article contravenes the terms of his licence, or sells otherwise than as he is authorised by the licence, he shall for such offence, if the same is not an offence for which any specific penalty is imposed by any excise Act, forfeit the penalty imposed by law upon a person dealing in or retailing or selling such article without having an excise licence in force authorising him to do so.

Amendment of 43 & 44 Vict. c. 24.

25. The Spirits Act, 1880, is hereby amended as follows:—

(*a.*) Sub-section two of section thirty-two shall be read as if the word "ten" were substituted therein for the word "eight."

(*b.*) Sub-section eight of section ninety-five shall be read as if the words "less five degrees" were not inserted therein.

(*c.*) Notwithstanding anything to the contrary contained in the said Act, any authorised methylator may supply methylated spirits to a person licensed to methylate.

Prohibition of the sale of methylated spirits on Sunday.

26. The sale of methylated spirits between the hours of ten of the clock in the evening of Saturday and eight of the clock on the following Monday morning is hereby prohibited, and any person selling methylated spirits in contravention of this section shall for each offence, in addition to any other fine or penalty to which he may be liable, incur a fine of one hundred pounds.

Consolidation of law relating to licences for the manufacture and sale of methylated spirits.

27.—(1.) There shall continue to be paid for the use of Her Majesty, her heirs and successors, upon the licences herein-after mentioned to be taken out annually in the United Kingdom the following duties of excise:

	£	*s.*	*d.*
Upon a licence to be taken out by a maker of methylated spirits (other than a distiller or rectifier of spirits) - - - -	10	10	0
Upon a licence to be taken out by a retailer of methylated spirits - - - -	0	10	0

(2.) Every such licence shall be in such form as the Commissioners of Inland Revenue may direct, and shall expire on the thirtieth day of September in each year.

(3.) Every person who makes or sells methylated spirits without being duly licensed or authorised in that behalf shall, in addition to any other penalty or forfeiture, incur a fine of fifty pounds.

(4.) A licence to retail methylated spirits shall not be granted to a distiller or rectifier, or to a person licensed to retail beer, spirits, wine, or sweets for consumption upon his premises.

Meaning of "sweets or made wines."

28. In the construction of any enactment relating to the revenue of excise the expression "sweets or made wines" shall mean any liquor which is made from fruit and sugar or from fruit or sugar mixed with any other material, and which has undergone a process of fermentation in the manufacture thereof.

Consolidation of law as to use of unjust scales, &c.

29. If any person exercising or carrying on a trade or business under or subject to any law of excise and required to keep scales or weights or measures,—

(*a.*) in the weighing of his stock or any goods, uses or suffers to be used any false, unjust, or insufficient scales, or weight, or measure with intent to defraud Her Majesty of any duty of excise; or

(*b.*) before or after the weighing of his stock or any goods puts or suffers to be put any other substance thereto, whereby any officer of inland revenue may be hindered or prevented from taking a just and true account;

he shall for every such offence incur a fine of one hundred pounds, and the false, unjust, or insufficient scales, and weights, and measures, shall be forfeited.

PART V.

MISCELLANEOUS.

Undisposed of residue of sailors effects.

30.—(1.) If in any case the residue or any part thereof of the estate or effects of a deceased officer, seaman, or marine, having been received by the Admiralty, remains undisposed of or unappropriated for a period of six years and-a-half from the date of the receipt by the Admiralty of notice of the death, the Admiralty shall, as soon as may be after the expiration of that period, pay or credit the said residue or part to the Greenwich Hospital capital account. Provided that this section shall not apply to any sums received by the Admiralty before the first day of April one thousand eight hundred and seventy-three, and that the application under this section of any residue, or part of a residue, shall not bar any subsequent claim of any person to the same.

28 & 29 Vict. c. 111.

(2.) This section shall be construed as part of the Navy and Marines (Property of Deceased) Act, 1865.

Remission of fees payable to public department out of public money.

31.—(1.) Any fee leviable in any public office which would, if levied, be payable out of money provided by Parliament shall, if the Treasury so direct, be remitted.

42 & 43 Vict. c. 58.

(2.) This section shall apply to all fees, per-centages, and other sums to which the Public Offices (Fees) Act, 1879, for the time being applies.

Accruer and payment of salaries, &c. charged on Consolidated Fund.

32. All salaries, pensions, compensation allowances, and other allowances which are chargeable on the Consolidated Fund of the United Kingdom and are payable at quarterly periods shall accrue due from day to day, and shall be payable on such quarterly days as may be from time to time determined by the Treasury.

Explanation of law as to annuities under 28 & 29 Vict. c. 89.

33. Whereas by section nineteen of the Greenwich Hospital Act, 1865, it is enacted that where any commissioner, officer, clerk, or person, while in receipt of an annuity provided in accordance with that Act, is appointed to any office under the Crown or under the Admiralty, then, if the annuity is equal to or greater than the annual emoluments of the office to which he is appointed, the annuity shall be received by him in full discharge of those emoluments, and if the annuity is less than those emoluments, the amount of the annuity shall be received by him in discharge of an equal amount of those emoluments, and doubts have been entertained as to the meaning of this enactment; it is hereby declared that the said annuity shall be received in discharge only of the sum, if any, by which the annuity, together with the annual emoluments of the new office, exceeds the emoluments of the office in respect of which the annuity was granted.

Amendment of 29 & 30 Vict. c. 62. s. 15.

34. Section fifteen of the Crown Lands Act, 1866, shall have effect as if any reference to the payments to the perpetual curate of the Isle of Alderney were omitted from the warrant issued under that section.

Definition of "Treasury."

35. In this Act "the Treasury" means the Commissioners of Her Majesty's Treasury.

Repeal.

36. The Acts specified in the Schedule to this Act are hereby repealed to the extent specified in the third column of that schedule.

Provided that this repeal shall not affect—

(*a.*) any liability, penalty, forfeiture, or punishment incurred in respect of any offence committed against any enactment hereby repealed; or

(*b.*) the exercise of any power or the commencement or continuance of any legal proceeding or remedy in respect of any such liability, penalty, forfeiture, or punishment.

37. This Act may be cited as the Revenue Act, 1889. Short title.

SCHEDULE.

ENACTMENTS REPEALED.

Session and Chapter.	Title.	Extent of Repeal.
10 Geo. 3. c. 44. -	An Act for more effectually preventing traders in exciseable commodities from using false weights and scales.	The whole Act.
26 Geo. 3. c. 77. -	An Act for the amendment of several laws relating to the duties under the management of the Commissioners of Excise.	In part, namely, except section twelve.
28 Geo. 3. c. 37. -	An Act for amending several laws relative to the revenue of excise.	The whole Act.
4 & 5 Will. 4. c. 77.	An Act for repealing the duties on starch, stone bottles, sweets or made wines, mead or metheglin, and on scaleboard made from wood.	The whole Act.
18 & 19 Vict. c. 38.	An Act to allow spirit of wine to be used duty free in the arts and manufactures of the United Kingdom.	The whole Act.
23 & 24 Vict. c. 113.	An Act to grant duties of Excise on chicory and on licences to dealers in sweets or made wines; also to reduce the Excise duty on hops and the period of credit allowed for payment of the duty on malt and hops respectively; to repeal the exemption from licence duty of persons dealing in foreign wine and spirits in bond; and to amend the laws relating to the Excise.	In part namely, section twenty-one, from "sweets or made "wines" to "wines."
24 & 25 Vict. c. 91.	An Act to amend the laws relating to the Inland Revenue.	In part namely, sections one, two, and five.
26 & 27 Vict. c. 33.	An Act for granting to Her Majesty certain duties of Inland Revenue and to amend the laws relating to the Inland Revenue.	In part namely, section twenty-five.
27 & 28 Vict. c. 56.	An Act for granting to Her Majesty certain stamp duties and to amend the laws relating to the Inland Revenue.	In part namely, sections twelve and thirteen.
30 & 31 Vict. c. 90.	An Act to alter certain duties and to amend the laws relating to the Inland Revenue.	In part namely, section eighteen.

CHAPTER 43.

An Act to amend the Law relating to the Measurement of the Tonnage of Merchant Ships. [26th August 1889.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same as follows:—

Amendment of rules for measurement of tonnage.

1.—(1.) In the measurement of a ship for the purpose of ascertaining her register tonnage, no deduction shall be allowed in respect of any space which has not been first included in the measurement of her tonnage.

17 & 18 Vict. c. 104.

(2.) In section twenty-one, paragraph (4), of the Merchant Shipping Act, 1854, the words "First, that nothing shall be added "for a closed-in space solely appropriated to the berthing of the "crew, unless such space exceeds one twentieth of the remaining "tonnage of the ship, and in case of such excess the excess only "shall be added; and secondly"; and in section twenty-two, paragraph (2), of the same Act the words "subject to the deduction "for a closed-in space appropriated to the crew, as mentioned in "Rule I." shall be repealed.

Provided that this section shall not apply until after the expiration of five years from the date of the passing of this Act to any ship in the measurement or re-measurement of which the deductions prohibited by this section have been made before the tenth day of March one thousand eight hundred and eighty-nine, or to any ship the building of which was commenced before the tenth day of March one thousand eight hundred and eighty-nine, and which is registered for the first time between that date and the last day of December one thousand eight hundred and eighty-nine, unless in either case the ship is, before the expiration of the said five years, measured or re-measured in accordance with the provisions of this Act, and any such ship may be measured or re-measured at the request of the owner.

But this exemption shall not extend to any ship in the case of which the allowance for propelling-power space exceeds fifty per cent. of the gross tonnage of the ship.

Subject as aforesaid, the tonnage of every ship shall be estimated for all purposes as if any deduction prohibited by this section had not been made, and the particulars relating to the ship's tonnage in the register book, and in her certificate of registry, shall be corrected accordingly.

Rule as to allowance for engine room in steamers.

2. In the case of any ship built or measured after the passing of this Act, such portion of the space or spaces above the crown of the engine room and above the upper deck as is framed in for the machinery or for the admission of light and air, shall not be included in the measurement of the space occupied by the propelling power, except in pursuance of a request in writing to the Board of Trade by the owner of the ship, and shall not be included in pursuance of such request unless:—

(*a.*) that portion is first included in the measurement of the gross tonnage; and (*b.*) a surveyor appointed under the Fourth Part of the Merchant Shipping Act, 1854, certifies that the portion so framed in is reasonable in extent and is so constructed as to be safe and seaworthy, and that it cannot be used for any purpose other than the machinery or for the admission of light and air to the machinery or boilers of the ship.

Deductions for navigation spaces, &c.

3.—(1.) In measuring or re-measuring a ship for the purpose of ascertaining her register tonnage, the following deductions shall be made from the space included in the measurement of the tonnage:—

(*a.*) In the case of a ship wholly propelled by sails, any space set apart and used exclusively for the storage of sails:

(*b.*) In the case of any ship—

(i.) Any space used exclusively for the accommodation of the master;

(ii.) Any space used exclusively for the working of the helm, the capstan, and the anchor gear, or for keeping the charts, signals, and other instruments of navigation, and boatswain's stores; and

(iii.) The space occupied by the donkey engine and boiler, if connected with the main pumps of the ship.

(2.) The deductions allowed under this section shall be subject to the following provisions, namely:—

(*a.*) The space deducted must be certified by a surveyor appointed by the Board of Trade as reasonable in extent and properly and efficiently constructed for the purpose for which it is intended;

(*b.*) There must be permanently marked in or over every such space a notice stating the purpose to which it is to be applied and that whilst so applied it is to be deducted from the tonnage of the ship;

(*c.*) The deduction on account of space for storage of sails must not exceed two and a half per cent. of the tonnage of the ship.

Provisions as to deductions in case of certain steamships.

4. In the case of a screw steamship which, at the passing of this Act, has an engine-room allowance of thirty-two per cent. of the gross tonnage of the ship, and in which any crew space on deck has not been included in the gross tonnage, whether its contents have been deducted therefrom or not, the crew space shall be, on the application of the owner of the ship, or by direction of the Board of Trade, measured and its contents ascertained and added to the register tonnage of the ship; and if it appears that with such addition to the tonnage the engine room does not occupy more than thirteen per cent. of the tonnage of the ship, the existing allowance for engine room of thirty-two per cent. of the tonnage shall be continued, notwithstanding anything in this Act.

Measurement of ships with double bottoms for water ballast.

5. In the case of a ship constructed with a double bottom for water ballast, if the space between the inner and outer plating thereof is certified by a surveyor appointed by the Board of Trade to be not available for the carriage of cargo, stores, or fuel, then the depth required by section twenty-one, paragraph (2), of the Merchant Shipping Act, 1854, shall be taken to be the upper side of the inner plating of the double bottom, and that upper side shall, for the purposes of measurement, be deemed to represent the floor timber referred to in that section.

Re-measurement of foreign ships.

17 & 18 Vict. c. 104.

6. If and whenever it is made to appear to Her Majesty that the tonnage of any foreign ship, as measured by the rules of the country to which she belongs, materially differs from that which would be her tonnage if measured under the Merchant Shipping Act, 1854, and the Acts amending the same, Her Majesty may from time to time, by Order in Council, direct that, notwithstanding any Order in Council for the time being in force under those Acts, any of the ships of that country may, for all or any of the purposes of those Acts, be re-measured in accordance with the provisions of those Acts, and Her Majesty may revoke any Order so made.

Short title and construction.

7. This Act may be cited as the Merchant Shipping (Tonnage) Act, 1889, and shall be construed as one with the Merchant Shipping Act, 1854, and the Acts amending the same.

CHAPTER 44.

An Act for the Prevention of Cruelty to, and better Protection of, Children. [26th August 1889.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Punishment for ill-treatment and neglect of children.

1. Any person over sixteen years of age who, having the custody, control, or charge of a child, being a boy under the age of fourteen years, or being a girl under the age of sixteen years, wilfully ill-treats, neglects, abandons, or exposes such child, or causes or procures such child to be ill-treated, neglected, abandoned, or exposed, in a manner likely to cause such child unnecessary suffering, or injury to its health, shall be guilty of a misdemeanor, and, on conviction thereof on indictment, shall be liable, at the discretion of the court, to a fine not exceeding one hundred pounds, or alternatively, or in default of payment of such fine, or in addition to payment thereof, to imprisonment, with or without hard labour, for any term not exceeding two years, and on conviction thereof by a court of summary jurisdiction, in manner provided by the Summary Jurisdiction Acts, shall be liable, at the discretion of the court, to a fine not exceeding twenty-five pounds, or alternatively, or in default of payment of such fine, or in addition thereto, to imprisonment, with or without hard labour, for any term not exceeding three months.

Power to increase fine where offender interested in death of child.

2. If it be proved that a person convicted on indictment as aforesaid was interested in any sum of money accruable or payable in the event of the death of the child, and had knowledge that such sum of money was accruing or becoming payable, the court may, in its discretion, increase the amount of the said fine so that the fine shall not exceed two hundred pounds. Such interest as aforesaid in any sum of money accruable or payable in the event of the death of the child shall be charged in the indictment and put to the jury in the same way, as far as may be, as a previous conviction is now charged and put.

Restrictions on employment of children.

3. Any person who—

(*a*) causes or procures any child, being a boy under the age of fourteen years, or being a girl under the age of sixteen years, to be in any street for the purpose of begging or receiving alms, or of inducing the giving of alms, whether under the pretence of singing, playing, performing, offering anything for sale, or otherwise; or

(*b*) causes or procures any child, being a boy under the age of fourteen years, or being a girl under the age of sixteen years, to be in any street, or in any premises licensed for the sale of any intoxicating liquor, other than premises licensed according to law for public entertainments, for the purpose of singing, playing, or performing for profit, or offering anything for sale, between ten p.m. and five a.m.; or

(*c*) causes or procures any child under the age of ten years to be at any time in any street, or in any premises licensed for the sale of any intoxicating liquor, or in premises licensed according to law for public entertainments, or in any circus or other place of public amusement to which the public are admitted by payment for the purpose of singing, playing, or performing for profit, or offering anything for sale,

shall, on conviction thereof by a court of summary jurisdiction in manner provided by the Summary Jurisdiction Acts, be liable, at the discretion of the court, to a fine not exceeding twenty-five pounds or alternatively, or in default of payment of the said fine, or in addition thereto, to imprisonment, with or without hard labour, for any term not exceeding three months.

Provided that any local authority may, if they think it necessary or desirable so to do, from time to time by byelaw extend or restrict the hours mentioned in sub-section (*b*) of this section, either on every day or on any specified day or days of the week, and either as to the whole of their district or as to any specified area therein.

Provided also, that in the case of any entertainment or series of entertainments to take place in premises licensed according to law for public entertainments, or in any circus or other place of public amusement as aforesaid, where it is shown to the satisfaction of a petty sessional court, or in Scotland the school board, that proper provision has been made to secure the health and kind treatment of any children proposed to be employed thereat, it shall be lawful for the said court or school board, anything in this Act notwithstanding, to grant a licence for such time and during such hours of the day, and subject to such restrictions and conditions as it may think fit for any child exceeding seven years of age, of whose fitness to take part in such entertainment or series of entertainments without injury the said court or school board is satisfied, to take part in such entertainment or series of entertainments, and such licence may at any time be varied, added to, or rescinded by the said court or school board upon sufficient cause being shown; and such licence shall be sufficient protection to all persons acting under or in accordance with the same.

A Secretary of State may assign to any inspector appointed, or to be appointed under section sixty-seven of the Factory and Workshop Act, 1878, specially and in addition to any other usual duties, the duty of seeing whether the restrictions and conditions of any licence under this section are duly complied with, and any such inspector shall have the same power to enter, inspect, and examine any place of public entertainment at which the employment of a child is for the time being licensed under this section as an inspector has to enter, inspect, and examine a factory or workshop under section sixty-eight of the same Act.

39 & 40 Vict. c. 79.
41 & 42 Vict. c. 78.

Nothing in this section shall affect the provisions of the Elementary Education Act, 1876, or the Education (Scotland) Act, 1878.

So much of sub-section (*c*) of this section as makes it an offence to cause or procure a child to be in premises licensed according to law for public entertainment, or in any circus or other place of public amusement, for the purpose of singing, playing, or performing for profit, shall not come into operation until the first day of November one thousand eight hundred and eighty-nine.

Taking of offender into custody, and protection of child.

4.—(1.) Any constable may take into custody without warrant any person who within view of such constable commits an offence under this Act, where the name and residence of such person are unknown to such constable and cannot be ascertained by such constable; and any constable may take to a place of safety any child in respect of whom an offence under section one or sub-section (*a*) of section three of this Act has been committed, and the child may there be detained until it can be brought before a court of summary jurisdiction, and such court may cause the child to be dealt with as circumstances may admit and require until the charge made against any person in respect of the said offence has been determined by the committal for trial, or conviction, or discharge of such person.

(2.) Where a constable arrests any person without warrant in pursuance of this section the inspector or constable in charge of the station to which such person is conveyed shall, unless in his belief the release of such person on bail would tend to defeat the ends of justice, or to cause injury or danger to the child against whom the offence is alleged to have been committed, release the person arrested on his entering into such a recognisance, with or without sureties, as may in his judgment be required to secure the attendance of such person upon the hearing of the charge.

Disposal of child by order of court.

5.—(1.) Where a person having the custody or control of a child, being a boy under the age of fourteen or a girl under the age of sixteen years, has been

(*a*) convicted of committing in respect of such child an offence under section one of this Act, or any offence involving bodily injury to the child and punishable with penal servitude; or (*b*) committed for trial for any such offence; or

(*c*) bound over to keep the peace towards such child,

any person may bring such child before a petty sessional court and the court, if satisfied on inquiry that it is expedient so to deal with the child, may order that the child be taken out of the custody of such person and committed to the charge of a relation of the child, or some other fit person named by the court, such relation or other person being willing to undertake such charge until it attains the age of fourteen years, or in the case of a girl sixteen years, or in either case for any shorter period, and may of his own motion or on the application of any person from time to time renew, vary, and revoke any such order: Provided that no order shall be made under this section unless a parent of the child is under committal for trial for having been, or has been proved to have been, party or privy to the offence, or has been bound over to keep the peace towards such child.

(2.) Any person to whom a child is so committed shall, whilst the order is in force, have the like control over the child as if he were its parent, and shall be responsible for its maintenance, and the child shall continue under the control of such person, notwithstanding that it is claimed by its parent; and any court having power so to commit a child shall have power to make the like orders on the parent of the child to contribute to its maintenance during such period as aforesaid as if the child were detained under the Industrial Schools Acts, and such orders may be made on the complaint or application of the person to whom the child is for the time being committed, and the sums contributed by the parent shall be paid to such person as the court may name, and be applied for the maintenance of the child. In determining on the person to whom the child shall be so committed, the court shall endeavour to ascertain the religious persuasion to which the child belongs, and shall, if possible, select a person of the same religious persuasion, and such religious persuasion shall be specified in the order; and in any case where the child has been placed pursuant to any such order with a person not of the same religious persuasion as that to which the child belongs, the court shall, on the application of any person in that behalf, and on its appearing that a fit person of the same religious persuasion is willing to undertake the charge, make an order to secure his being placed with a person of the same religious persuasion.

Provided that if the order to commit the child to the charge of some relation or other person be made in respect of any person having been committed for trial for an offence, as specified in subsection (1) (*b*) of this section, the court shall not be empowered to order the parent of the child to contribute to its maintenance prior to the trial of such person; and if he be acquitted of such charge, or if such charge be dismissed for want of prosecution, then any order that may have been made under this section shall forthwith be void, except with regard to anything which may have been lawfully done under it.

(3.) One of Her Majesty's Principal Secretaries of State in England, and in Scotland the Secretary for Scotland, and in Ireland the Lord Lieutenant of Ireland may at any time in his discretion discharge a child from the custody of any person to whom it is committed, in pursuance of this section, either absolutely or on such conditions as such Secretary of State, Secretary, or Lord Lieutenant approves, and may, if he shall think fit, from time to time make, alter, or revoke rules in relation to children so committed to any person, and to the duties of such persons with respect to such children.

Power of search.

6.—(1.) If it appears to any stipendiary magistrate or to any two justices of the peace, on information made before him or them on oath by any person who, in the opinion of the magistrate or justices, is bonâ fide acting in the interest of any child, that there is reasonable cause to suspect that such child, being a boy under the age of fourteen years, or a girl under the age of sixteen years, has been or is being ill-treated or neglected in any place within the jurisdiction of such magistrate or justices in a manner likely to cause the child unnecessary suffering or to be injurious to its health, such magistrate or justices may issue a warrant authorising any person named therein to search for such child, and if it is found to have been or to be ill-treated or neglected in manner aforesaid, to take it to and detain it in a place of safety until it can be brought before a court of summary jurisdiction; and the court before whom the child is brought may cause it to be dealt with in the manner provided by section four.

Provided always, that the powers herein-before conferred on any two justices may be exercised by any one justice, if upon the information it appears to him to be a case of urgency: Provided also, that in the case of Scotland the jurisdiction hereby conferred on a magistrate or two justices shall be exercised only by a sheriff or sheriff substitute.

(2.) The magistrate or justices or justice, or in Scotland the sheriff or sheriff substitute, issuing such warrant may by the same warrant cause any person accused of any offence in respect of the child to be apprehended and brought before a justice, and proceedings to be taken for punishing such person according to law.

(3.) Any person authorised by warrant under this section to search for any child, and to take it to and detain it in a place of safety, may enter (if need be by force) any house, building, or other place specified in the warrant, and may remove the child therefrom.

(4.) Provided always, that every warrant issued under this section shall be addressed to and executed by some superintendent, inspector, or other superior officer of police, who shall be accompanied by the person making the information, if such person so desire, unless the magistrate, justices, or justice otherwise direct, and may also, if the magistrate, justices, or justice so direct, be accompanied by a registered medical practitioner.

Evidence of accused person.

7. In any proceeding against any person for an offence under this Act, such person shall be competent but not compellable, and the wife or husband of such person may be required to attend to give evidence as an ordinary witness in the case, and shall be competent but not compellable to give evidence.

Evidence of child of tender years.

8. Where, in any proceeding against any person for an offence under this Act, the child in respect of whom the offence is charged to have been committed, or any other child of tender years who is tendered as a witness, does not in the opinion of the court understand the nature of an oath, the evidence of such child may be received, though not given upon oath, if, in the opinion of the court, such child is possessed of sufficient intelligence to justify the reception of the evidence, and understands the duty of speaking the truth. And the evidence of such child, though not given on oath or affirmation, but otherwise taken and reduced into writing, in accordance with the provisions of section seventeen of the Indictable Offences Act, 1848, or of section fourteen of the Petty Sessions (Ireland) Act, 1851, shall be deemed to be a deposition within the meaning of those sections:

11 & 12 Vict. c. 42.
14 & 15 Vict. c. 93.

Provided that—

(*a.*) A person shall not be liable to be convicted of the offence unless the testimony admitted by virtue of this section and given on behalf of the prosecution, is corroborated by some other material evidence in support thereof implicating the accused; and

(*b.*) Any child whose evidence is received as aforesaid, and who shall wilfully give false evidence, shall be liable to be indicted and tried for such offence, and on conviction thereof may be adjudged such punishment as is provided for by section eleven of the Summary Jurisdiction Act, 1879, in the case of juvenile offenders.

41 & 42 Vict. c. 49.

Presumption of age of child.

9. Where a person is charged with an offence under this Act in respect of a child who is alleged in the charge or indictment to be under any specified age, and the child appears to the court to be under that age, such child shall for the purposes of this Act be deemed to be under that age, unless the contrary is proved.

Appeal from summary conviction to general or quarter sessions.

10. When, in pursuance of this Act, any person is convicted by a court of summary jurisdiction of an offence, and such person did not plead guilty or admit the truth of the information, or when in the case of any application to the court under section five of this Act, any party thereto thinks himself aggrieved by any order or decision of the court, he may appeal against such conviction, or order, or decision, in England and Ireland to a court of general or quarter sessions, and in Scotland to the High Court of Justiciary in the manner provided by the Summary Prosecutions Appeals (Scotland) Act, 1875, or any Act amending the same.

38 & 39 Vict. c. 62.

Expenses of prosecution.

11. Where a misdemeanor under this Act is tried on indictment, the expenses of the prosecution shall be defrayed in like manner as in the case of a felony.

Guardians may pay costs of proceedings.

12. The guardians of any union or parish, or in Scotland the parochial board of any parish or combination, may, out of the funds under their control, pay the reasonable costs and expenses of any proceedings which they have directed to be taken under this Act in regard to the ill-treatment, neglect, abandonment, or exposure of any child, and, in the case of a union, shall charge such costs and expenses to the common fund.

Provision as to byelaws.

13. Every byelaw under this Act shall be subject—

38 & 39 Vict. c. 55.

(*a.*) In England to section one hundred and eighty-four of the Public Health Act, 1875, as if every local authority in England under this Act were a local authority within the meaning of that section, but with the substitution of one of Her Majesty's Principal Secretaries of State for the Local Government Board; and

30 & 31 Vict. c. 101.

(*b.*) In Scotland to so much of section sixty-two of the Public Health (Scotland) Act, 1867, as provides for the confirmation of rules and regulations and the proceedings preliminary to confirmation as if such rules and regulations included byelaws under this Act, and the local authority under this Act were a local authority within the meaning of that section, but with the substitution of the Secretary for Scotland for the Board of Supervision; and

41 & 42 Vict. c. 52.

(*c.*) In Ireland to section two hundred and twenty-one of the Public Health (Ireland) Act, 1878, with the substitution of the Lord Lieutenant for the Local Government Board.

Act not to take away right of parent, &c. to administer punishment.

14. Nothing in this Act contained shall be construed to take away or affect the right of any parent, teacher, or other person having the lawful control or charge of a child to administer punishment to such child.

Saving for proceedings under other laws.

15. Where an offence against this Act is also punishable under any other Act, or at common law, it may be prosecuted and punished either under this Act, or under the other Act, or at common law, so that no person be punished twice for the same offence.

Ss. 8, 11 not to apply to Scotland.

16. Sections eight and eleven of this Act shall not apply to Scotland.

Definitions.

17. In this Act—

The expression "Summary Jurisdiction Acts" means—

(*a.*) as regards England, the Summary Jurisdiction (English) Acts; and

27 & 28 Vict. c. 53.
44 & 45 Vict. c. 33.

(*b.*) as regards Scotland, the Summary Jurisdiction (Scotland) Acts, 1864 and 1881, and any Act amending the same; and

14 & 15 Vict. c. 93.

(*c.*) as regards Ireland, within the police district of Dublin metropolis, the Acts regulating the powers and duties of justices of the peace for that district, or of the police for that district; and elsewhere in Ireland, the Petty Sessions (Ireland) Act, 1851, and any Act amending the same;

The expression "court of summary jurisdiction"—

42 & 43 Vict. c. 49.

(*a.*) as regards England, has the same meaning as in the Summary Jurisdiction Act, 1879; and

(*b.*) as regards Scotland, means the sheriff, or sheriff substitute; and

(*c.*) as regards Ireland, means any justice or justices of the peace, police magistrate, or officer, by whatever name called, to whom jurisdiction is given by the Summary Jurisdiction Acts or any Acts therein referred to.

The expression "petty sessional court"—

(*a.*) as regards England, has the same meaning as in the Summary Jurisdiction Act, 1879;

(*b.*) as regards Scotland and Ireland, has the same meaning as the expression court of summary jurisdiction as above defined.

The expression "street" includes any highway or other public place, whether a thoroughfare or not;

The expression "place of safety" includes a workhouse and any place certified by the local authority by byelaw under this Act for the purposes of this Act;

The expression "parent" when used in relation to a child includes guardian and every person who is by law liable to maintain the child;

The expression "committed for trial" means, as regards England or Ireland, committed to prison or admitted to bail in manner provided in the Indictable Offences Act, 1848, or the Petty Sessions (Ireland) Act, 1851. 11 & 12 Vict. c. 42. 14 & 15 Vict. c. 93.

The expression "Industrial Schools Acts" means—

(*a.*) as regards England and Scotland, the Industrial Schools Act, 1866, and the Acts amending the same, or any Act of the present or any future session of Parliament repealing that Act and re-enacting the provisions thereof with or without modifications, and 29 & 30 Vict. c. 118.

(*b.*) as regards Ireland, the Industrial Schools Act (Ireland), 1868, and the Acts amending the same. 31 & 32 Vict. c. 25.

The expression "local authority" means, as regards any borough in England, the council of the borough; as regards the city of London, the common council; as regards the county of London, the county council; and as regards any other place in England, the urban or rural sanitary authority; as regards any burgh in Scotland being either a royal burgh or a burgh returning or contributing to return a member to Parliament, the town council; as regards any police burgh in Scotland, the Commissioners of Police thereof, and as regards any county in Scotland exclusive of any such burgh, the Commissioners of Supply, or in their place any other body by any Act of this present session of Parliament entrusted with the administrative business of such county; and as regards Ireland the sanitary authority within the meaning of the Public Health (Ireland) Act, 1878. 41 & 42 Vict. c. 52.

The expression "Lord Lieutenant" includes Lords Justices or other Chief Governor or Governors of Ireland for the time being.

As regards Scotland,—

The expression "misdemeanor" means crime and offence;

The expression "enter into a recognisance with or without "sureties" means grant a bond of caution;

The expression "justice of the peace" means sheriff or sheriff substitute;

The expression "workhouse" means poor house.

Repeal of 31 & 32 Vict. c. 122. s. 37.

18. Section thirty-seven of the Poor Law Amendment Act, 1868, is hereby repealed.

Provided that such repeal shall not affect—

(*a.*) Anything duly done or suffered under the enactment hereby repealed; or

(*b.*) Any penalty, forfeiture, or punishment incurred under any offence committed against the enactment hereby repealed; or

(*c.*) Any legal proceeding in respect of any such penalty, forfeiture, or punishment;

and any such legal proceeding may be instituted and carried on, and the penalty, forfeiture, or punishment enforced, in like manner as if this Act had not passed.

Short title.

19. This Act may be cited as the Prevention of Cruelty to, and Protection of, Children Act, 1889.

CHAPTER 45.

An Act to amend and consolidate the Factors Acts.

[26th August 1889.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Preliminary.

Definitions.

1. For the purposes of this Act—

(1.) The expression "mercantile agent" shall mean a mercantile agent having in the customary course of his business as such agent authority either to sell goods, or to consign goods for the purpose of sale, or to buy goods, or to raise money on the security of goods:

(2.) A person shall be deemed to be in possession of goods or of the documents of title to goods, where the goods or documents are in his actual custody or are held by any other person subject to his control or for him or on his behalf:

(3.) The expression "goods" shall include wares and merchandise:

(4.) The expression "document of title" shall include any bill of lading, dock warrant, warehouse-keeper's certificate, and warrant or order for the delivery of goods, and any other document used in the ordinary course of business as proof of the possession or control of goods, or authorising or purporting to authorise, either by endorsement or by delivery, the possessor of the document to transfer or receive goods thereby represented:

(5.) The expression "pledge" shall include any contract pledging, or giving a lien or security on, goods, whether in consideration of an original advance or of any further or continuing advance or of any pecuniary liability:

(6.) The expression "person" shall include any body of persons corporate or unincorporate.

Dispositions by Mercantile Agents.

2.—(1.) Where a mercantile agent is, with the consent of the owner, in possession of goods or of the documents of title to goods, any sale, pledge, or other disposition of the goods, made by him when acting in the ordinary course of business of a mercantile agent, shall, subject to the provisions of this Act, be as valid as if he were expressly authorised by the owner of the goods to make the same; provided that the person taking under the disposition acts in good faith, and has not at the time of the disposition notice that the person making the disposition has not authority to make the same.

Powers of mercantile agent with respect to disposition of goods.

(2.) Where a mercantile agent has, with the consent of the owner, been in possession of goods or of the documents of title to goods, any sale, pledge, or other disposition, which would have been valid if the consent had continued, shall be valid notwithstanding the determination of the consent: provided that the person taking under the disposition has not at the time thereof notice that the consent has been determined.

(3.) Where a mercantile agent has obtained possession of any documents of title to goods by reason of his being or having been, with the consent of the owner, in possession of the goods represented thereby, or of any other documents of title to the goods, his possession of the first-mentioned documents shall, for the purposes of this Act, be deemed to be with the consent of the owner.

(4.) For the purposes of this Act the consent of the owner shall be presumed in the absence of evidence to the contrary.

3. A pledge of the documents of title to goods shall be deemed to be a pledge of the goods.

Effect of pledges of documents of title.

4. Where a mercantile agent pledges goods as security for a debt or liability due from the pledgor to the pledgee before the time of the pledge, the pledgee shall acquire no further right to the goods than could have been enforced by the pledgor at the time of the pledge.

Pledge for antecedent debt.

5. The consideration necessary for the validity of a sale, pledge, or other disposition, of goods, in pursuance of this Act, may be either a payment in cash, or the delivery or transfer of other goods, or of a document of title to goods, or of a negotiable security, or any other valuable consideration; but where goods are pledged by a mercantile agent in consideration of the delivery or transfer of other goods, or of a document of title to goods, or of a negotiable security, the pledgee shall acquire no right or interest in the goods so pledged in excess of the value of the goods, documents, or security when so delivered or transferred in exchange.

Rights acquired by exchange of goods or documents.

6. For the purposes of this Act an agreement made with a mercantile agent through a clerk or other person authorised in the ordinary course of business to make contracts of sale or pledge on his behalf shall be deemed to be an agreement with the agent.

Agreements through clerks, &c.

Provisions as to consignors and consignees.

7.—(1.) Where the owner of goods has given possession of the goods to another person for the purpose of consignment or sale, or has shipped the goods in the name of another person, and the consignee of the goods has not had notice that such person is not the owner of the goods, the consignee shall, in respect of advances made to or for the use of such person, have the same lien on the goods as if such person were the owner of the goods, and may transfer any such lien to another person.

(2.) Nothing in this section shall limit or affect the validity of any sale, pledge, or disposition, by a mercantile agent.

Dispositions by Sellers and Buyers of Goods.

Disposition by seller remaining in possession.

8. Where a person, having sold goods, continues, or is, in possession of the goods or of the documents of title to the goods, the delivery or transfer by that person, or by a mercantile agent acting for him, of the goods or documents of title under any sale, pledge, or other disposition thereof, or under any agreement for sale, pledge, or other disposition thereof, to any person receiving the same in good faith and without notice of the previous sale, shall have the same effect as if the person making the delivery or transfer were expressly authorised by the owner of the goods to make the same.

Disposition by buyer obtaining possession.

9. Where a person, having bought or agreed to buy goods, obtains with the consent of the seller possession of the goods or the documents of title to the goods, the delivery or transfer, by that person or by a mercantile agent acting for him, of the goods or documents of title, under any sale, pledge, or other disposition thereof, or under any agreement for sale, pledge, or other disposition thereof, to any person receiving the same in good faith and without notice of any lien or other right of the original seller in respect of the goods, shall have the same effect as if the person making the delivery or transfer were a mercantile agent in possession of the goods or documents of title with the consent of the owner.

Effect of transfer of documents on vendor's lien or right of stoppage in transitu.

10. Where a document of title to goods has been lawfully transferred to a person as a buyer or owner of the goods, and that person transfers the document to a person who takes the document in good faith and for valuable consideration, the last-mentioned transfer shall have the same effect for defeating any vendor's lien or right of stoppage in transitu as the transfer of a bill of lading has for defeating the right of stoppage in transitu.

Supplemental.

Mode of transferring documents.

11. For the purposes of this Act, the transfer of a document may be by endorsement, or, where the document is by custom or by its express terms transferable by delivery, or makes the goods deliverable to the bearer, then by delivery.

12.—(1.) Nothing in this Act shall authorise an agent to exceed or depart from his authority as between himself and his principal, or exempt him from any liability, civil or criminal, for so doing.

Saving for rights of true owner.

(2.) Nothing in this Act shall prevent the owner of goods from recovering the goods from an agent or his trustee in bankruptcy at any time before the sale or pledge thereof, or shall prevent the owner of goods pledged by an agent from having the right to redeem the goods at any time before the sale thereof, on satisfying the claim for which the goods were pledged, and paying to the agent, if by him required, any money in respect of which the agent would by law be entitled to retain the goods or the documents of title thereto, or any of them, by way of lien as against the owner, or from recovering from any person with whom the goods have been pledged any balance of money remaining in his hands as the produce of the sale of the goods after deducting the amount of his lien.

(3.) Nothing in this Act shall prevent the owner of goods sold by an agent from recovering from the buyer the price agreed to be paid for the same, or any part of that price, subject to any right of set off on the part of the buyer against the agent.

13. The provisions of this Act shall be construed in amplification and not in derogation of the powers exerciseable by an agent independently of this Act.

Saving for common law powers of agent.

14. The enactments mentioned in the schedule to this Act are hereby repealed as from the commencement of this Act, but this repeal shall not affect any right acquired or liability incurred before the commencement of this Act under any enactment hereby repealed.

Repeal.

15. This Act shall commence and come into operation on the first day of January one thousand eight hundred and ninety.

Commencement.

16. This Act shall not extend to Scotland.

Extent of Act.

17. This Act may be cited as the Factors Act, 1889.

Short title.

SCHEDULE.

ENACTMENTS REPEALED.

Section 14.

Session and Chapter.	Title.	Extent of Repeal.
4 Geo. 4. c. 83.	An Act for the better protection of the property of merchants and others who may hereafter enter into contracts or agreements in relation to goods, wares, or merchandises entrusted to factors or agents.	The whole Act.

Session and Chapter.	Title.	Extent of Repeal.
6 Geo. 4. c. 94. -	An Act to alter and amend an Act for the better protection of the property of merchants and others who may hereafter enter into contracts or agreements in relation to goods, wares, or merchandise entrusted to factors or agents.	The whole Act.
5 & 6 Vict. c. 39. -	An Act to amend the law relating to advances bonâ fide made to agents entrusted with goods.	The whole Act.
40 & 41 Vict. c. 39. -	An Act to amend the Factors Acts.	The whole Act.

CHAPTER 46.

An Act to amend the Merchant Shipping Act, 1854, and the Acts amending the same. [26th August 1889.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Remedies for recovery of master's disbursements.

1. Every master of a ship and every person lawfully acting as master of a ship by reason of the decease or incapacity from illness of the master of the ship, shall, so far as the case permits, have the same rights, liens, and remedies for the recovery of disbursements properly made by him on account of the ship, and for liabilities properly incurred by him on account of the ship, as a master of a ship now has for the recovery of his wages; and if in any proceeding in any Court of Admiralty or Vice Admiralty, or in any county court having Admiralty jurisdiction, touching the claim of a master or any person lawfully acting as master to wages or such disbursements or liabilities as aforesaid, any right of set-off or counterclaim is set up, it shall be lawful for the court to enter into and adjudicate upon all questions, and to settle all accounts then arising or outstanding and unsettled between the parties to the proceeding, and to direct payment of any balance which is found to be due.

Restrictions on advance notes. 17 & 18 Vict. c. 104. s. 149.

2.—(1.) Any agreement with a seaman made under section one hundred and forty-nine of the Merchant Shipping Act, 1854, may contain a stipulation for payment to or on behalf of the seaman, conditionally on his going to sea in pursuance of the agreement, of a sum not exceeding the amount of one month's wages payable to the seaman under the agreement.

(2.) Save as authorised by this section, any agreement by or on behalf of the employer of a seaman for the payment of money to or on behalf of the seaman conditionally on his going to sea from any port in the United Kingdom shall be void, and no money paid in satisfaction or in respect of any such agreement shall be deducted from the seaman's wages, and no person shall have any right of action, suit, or set off against the seaman or his assignee in respect of any money so paid or purporting to have been so paid.

(3.) Nothing in this section shall affect any allotment made under the Merchant Shipping Act, 1854, or the Acts amending the same.

(4.) Section two of the Merchant Seamen (Payment of Wages and Rating) Act, 1880, is hereby repealed.

43 & 44 Vict. c. 16.

Register of deserters.

3. Every superintendent of a mercantile marine office shall keep at his office a list of the seamen who, to the best of his knowledge and belief, have deserted or failed to join their ships after signing an agreement to proceed to sea in them, and shall on request show this list to any master of a ship.

A superintendent of a mercantile marine office shall not be liable in respect of any entry made in good faith in the list so kept.

Rule as to payment of British seamen in foreign money.

4. Where a seaman has agreed with the master of a British ship for payment of his wages in British sterling or any other money, any payment of, or on account of, his wages if made in any other currency than that stated in the agreement, shall, notwithstanding anything in the agreement, be made at the rate of exchange for the money stated in the agreement for the time being current at the place where the payment is made.

Provisions as to steamships to apply to ships propelled by electricity, &c.

5. The provisions of the Merchant Shipping Act, 1854, and the Acts amending the same, with respect to steamships, shall apply to ships propelled by electricity or other mechanical power, with such modifications as the Board of Trade may from time to time prescribe for purposes of adaptation.

Short title and construction.

6.—(1.) This Act may be cited as the Merchant Shipping Act, 1889.

(2.) This Act shall be construed as one with the Merchant Shipping Act, 1854, and the Acts amending the same, and this Act and those Acts may be cited collectively as the Merchant Shipping Acts, 1854 to 1889.

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CHAPTER 47.

An Act to amend the Practice and Proceedings of the Court of Chancery of the county palatine of Durham.

[26th August 1889.]

WHEREAS it is expedient that the jurisdiction of the Court of Chancery of the county palatine of Durham and Sadberge should be exercised, as far as conveniently may be, in a manner similar to that of the High Court of Justice in like cases:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and

Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Practice and Procedure. Power to chancellor to adopt and modify any rules and orders made or to be made for regulating the proceedings of the High Court of Justice.

1. It shall be lawful for the chancellor of the county palatine of Durham and Sadberge (in this Act called the chancellor of Durham), with the concurrence of the Lord High Chancellor of Great Britain, by rules or orders of the Court of Chancery of the said county palatine (in this Act called the Palatine Court) to be from time to time made in that behalf, to adopt all or any of such rules, orders, or regulations, as already have been or hereafter shall be made under the authority of the Supreme Court of Judicature Acts for Her Majesty's High Court of Justice, with such variations therein or additions thereto as may be necessary or proper for adapting the same to the business of the Palatine Court; and the power of making rules and orders hereby conferred shall be deemed to extend to all matters of procedure or practice, or relating to or concerning the effect or operation in law of any procedure or practice in any cases within the cognizance of the Palatine Court, as to which rules of court and orders as to fees have been or might lawfully be made under the provisions of the Supreme Court of Judicature Acts for cases within the cognizance of the said High Court, and the chancellor of Durham shall have jurisdiction and authority to deal with all matters within the jurisdiction of the Palatine Court, as prescribed by the rules, orders, and regulations so to be made as aforesaid. Provided always that, subject to any such rules, orders, and regulations, the power heretofore possessed by the chancellor of Durham, of settling, altering, and amending the procedure and practice in the said Palatine Court, and of regulating the fees to be paid by suitors in the said Palatine Court, or to be allowed to the officers thereof, or to the solicitors practising therein, shall notwithstanding anything herein contained continue, save and except so far as the exercise of such power may in any respect be repugnant to, or inconsistent with, the provisions herein contained.

Service of process upon persons out of the jurisdiction.

2. Where any person who shall have commenced any action or other proceeding, or entered an appearance in any action or proceeding, in the Palatine Court, or shall have come in as a creditor, claimant, or purchaser, or otherwise submitted to the jurisdiction of the court, cannot, by reason of either his person or goods being out of the jurisdiction, be made amenable to the process of the court, and also where any such person as aforesaid shall have died, or become bankrupt, or insolvent, and his real or personal representatives, or the trustee of his estate and effects (as the case may be), or any of them who may be necessary parties to the continuance of the action or proceeding shall be out of the jurisdiction, it shall be lawful for the chancellor of Durham, upon special application being made to him, whether within or without the county palatine, by any party to or person interested in the action or proceeding, founded upon an affidavit verifying the facts of the case, to order that service of any summons, order, notice, subpœna, or other process shall be made and be deemed good service upon any such person, real or personal representative, or trustee as aforesaid, at any place within the United Kingdom of Great

Britain and Ireland, or the Isle of Man, upon such terms and in such manner as to the chancellor of Durham shall seem reasonable and proper; and afterwards, if it shall be necessary, upon an affidavit that service has been made, to order an appearance to be entered for the person so served: and thereupon it shall be lawful for the chancellor of Durham to make such order, consequent upon the service so made as aforesaid, as before the passing of this Act, or under the provisions of this Act, might have been made if service had been duly made within the jurisdiction of the court.

Where order may be enforced by making it an order of the High Court of Justice.

3. Whenever a party to any action or proceeding in which a judgment or order shall have been made by the Palatine Court shall reside or withdraw his person or goods out of the jurisdiction of the court, and also whenever any judgment or order of the court cannot be fully enforced by reason of the non-residence of any party to be bound thereby within the jurisdiction of the court, then it shall be lawful for Her Majesty's High Court of Justice, or any judge thereof, upon the application of any person entitled to the benefit of the judgment or order, and upon the production of a transcript of the judgment or order, or such part thereof respectively as cannot be enforced for the reasons aforesaid, under the signature of the registrar of the Palatine Court, and an affidavit that by reason of such non-residence or withdrawal as aforesaid the judgment or order, or such part thereof as aforesaid, cannot be enforced, to make the judgment or order, or so much thereof respectively as cannot be enforced for any of the reasons aforesaid, a judgment or order of the said High Court of Justice; and thereupon the judgment or order, or such part thereof respectively as aforesaid, may be enforced against such of the parties bound by the same as shall be within the jurisdiction of the said High Court, and all proceedings shall and may be had thereupon as if such judgment or order had been originally made by the said High Court, and all the reasonable costs and charges of and consequent upon the application may be recovered in like manner as if the same were part of the judgment or order.

The provisions of this section shall extend and apply to judgments and orders made by Her Majesty's Court of Appeal in appeals from the judgments and orders made by the Palatine Court.

Power to the chancellor, when out of the limits of the jurisdiction of the court, to hear and determine certain interlocutory matters.

4. In all matters over which the Palatine Court may have jurisdiction, and which may require to be immediately or promptly heard, it shall be lawful for the chancellor of Durham, when out of the limits of the jurisdiction of the said court, to hear and determine all applications for injunctions both upon notice and ex parte, for dissolving injunctions, for the appointment of receivers, for the payment of money into and out of court, or for confirming certificates or reports, and all motions, petitions, and other matters for facilitating the progress of any action or business pending in the said court which he might lawfully hear and determine within the limits of the jurisdiction thereof; and all orders made by him upon the hearing of any applications, motions, petitions, and other matters as aforesaid shall be as valid and binding upon the parties as if the same had been made within the limits of the jurisdiction of the said court.

Service of subpœna on witnesses out of jurisdiction to be valid to compel attendance.

5. The service of every writ of subpœna to attend and give evidence, or subpœna duces tecum hereafter to be issued out of the Palatine Court and served upon any person out of the jurisdiction thereof, shall be as valid and effectual for compelling the attendance of such person at any time and place to be named in such writ of subpœna to be there examined either before the registrar of the said court as well in his capacity of examiner as in that of master of the said court, or before commissioners under any commission to be issued by the said court for the examination of witnesses, or to be examined vivâ voce at the hearing of any matter or action before the said court or before the registrar, or for compelling the attendance of such person by virtue of any writ of subpœna duces tecum, and shall entitle the party suing out the same to all the like remedies, by action or otherwise, as if the same had been served within the jurisdiction of the said court; and in case the person so served shall not attend according to the exigency of such writ, it shall be lawful for the Palatine Court, upon affidavit of the personal service of such writ, to transmit a certificate of such default, under the hand of the registrar of the said court, to the Queen's Bench Division of the High Court of Justice in England, to the Court of Justiciary in Scotland, or to the Queen's Bench Division of the High Court of Justice in Ireland; and the said last-mentioned courts respectively shall and may thereupon proceed against and punish, by attachment or otherwise, according to the course and practice of the said respective courts, the person so having made default in such and the like manner as they might have done if such person had refused or neglected to appear in obedience to a writ of subpœna or other process issued to compel the attendance of witnesses out of such last-mentioned courts respectively.

Provided always, the said last-mentioned courts respectively shall not in any case proceed against or punish any person, nor shall any such person be liable to any action, for having made default by not appearing in obedience to any writ of subpœna, or writ of subpœna duces tecum, or other process for that purpose issued under the authority of this Act, unless it be made to appear to such courts respectively that a reasonable and sufficient sum of money to defray the expenses of coming and attending to give evidence, and of returning from giving such evidence, had been tendered to such person at the time when such writ of subpœna, or writ of subpœna duces tecum, or other process was served upon him.

Property of infants, &c., and administration of assets.

6. Where, under any Act of Parliament already or hereafter made, jurisdiction is vested in Her Majesty's High Court of Justice to deal with the property of infants or other persons under disability, or to deal with property in the administration of assets, then (unless in any such Act the contrary be expressly enacted) it shall be lawful for the Palatine Court, so far only as regards all persons and property within the jurisdiction of the court, to exercise the like power and jurisdiction in the same manner and subject to the same restrictions in all respects as the said High Court might exercise in the like matters.

7. Where, under any Act of Parliament already or hereafter made, or by orders or regulations made in pursuance thereof, application may be made by petition or motion, or otherwise, to Her Majesty's High Court of Justice or any judge thereof, and summary jurisdiction may be exercised thereon (unless in any such Act of Parliament the contrary be expressly enacted), it shall be lawful for the Palatine Court, so far only as regards all persons and property within the jurisdiction of the court, to exercise the like summary jurisdiction in the same manner and subject to the same restrictions in all respects as the said High Court or any judge thereof might exercise in the like matters.

Summary jurisdiction so far as regards persons, &c. within the county.

8. All the powers and authorities under the Trustee Act, 1850, and by the Act of the fifteenth and sixteenth years of the Queen, chapter fifty-five, exerciseable by Her Majesty's High Court of Justice, and all the provisions therein contained, shall and may be exercised in like manner by the Palatine Court with respect to all lands and personal estate within the county palatine: Provided always that no person who is anywhere within the limits of the jurisdiction of the said High Court shall be deemed by the Palatine Court to be an absent trustee or mortgagee within the meaning of the said Acts.

Application of 13 & 14 Vict. c. 60; 15 & 16 Vict. c. 55.

This sec. is repealed by Trustee Act 1893

9. The jurisdiction under the Charitable Trusts Act, 1853, exerciseable by Her Majesty's High Court of Justice, upon any application in accordance with the provisions of the said Act and the Acts amending the same, shall extend concurrently to and may be exercised by the chancellor of Durham as to every charity within the jurisdiction of the Palatine Court, whose gross annual income for the time being exceeds thirty pounds, upon application being made to such chancellor, and it shall be lawful for the chancellor of Durham, with the concurrence of the Lord High Chancellor of Great Britain, from time to time to make and issue any rules and orders for regulating the modes of proceeding, and the fees to be taken in respect of proceedings under the said Act.

Provision as to charities within jurisdiction of Court of Chancery of county palatine.

10. The term "the court" used in the Partition Act, 1868, and in the Partition Act, 1876, shall include the Palatine Court, and the powers and provisions of the said Acts shall respectively apply as regards all causes and matters within the jurisdiction of the Palatine Court to that court and to the judge thereof. The powers conferred upon Her Majesty's High Court of Justice by the Settled Estates Act, 1877, the Conveyancing and Law of Property Act, 1881, the Settled Land Act, 1882, and the Settled Land Act, 1884, may, as regards land and estates in the county palatine of Durham, be exercised also by the Palatine Court; and rules for regulating proceedings under the said several last-mentioned Acts in that court shall be from time to time made by the chancellor of Durham with the concurrence of the Lord High Chancellor of Great Britain.

Application of Acts to Palatine Court. 31 & 32 Vict. c. 40. 39 & 40 Vict. c. 17. 40 & 41 Vict. c. 18. 44 & 45 Vict. c. 41. 45 & 46 Vict. c. 38. 47 & 48 Vict. c. 18.

11. Her Majesty's Court of Appeal shall have jurisdiction and power to hear and determine appeals from any judgment or order of the chancellor of Durham, subject to the provisions of the Supreme Court of Judicature Acts, 1873 and 1875, and to the rules of the

Appeal to Court of Appeal.

Supreme Court for the time being; and from every judgment or order of the said Court of Appeal in an appeal brought under or by virtue of this Act a further appeal shall lie to the House of Lords, and such last-mentioned appeal shall be subject to all such provisions, conditions, and orders of the House of Lords as are applicable to appeals to the House of Lords under the Appellate Jurisdiction Act, 1876.

And after the passing of this Act no appeal shall be brought from any judgment or order of the chancellor of Durham direct to the House of Lords.

Short title.

12. This Act may be cited as the Palatine Court of Durham Act, 1889.

CHAPTER 48.

An Act to amend the County Court (Ireland) Acts.

[26th August 1889.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Extent of Act.

1. This Act shall extend to Ireland only.

Short title.

2. This Act may be cited as the County Court Appeals (Ireland) Act, 1889.

Any party dissatisfied with any equity or probate adjudication may appeal to the judge of assize, who is hereby authorised to hear and determine the same.

3. Any party to a suit or matter dissatisfied with any decree, dismiss, direction, or order, of whatsoever nature, and whether adverse to him or in his favour, pronounced by any county court judge in the exercise by him of any jurisdiction in equity or in probate matters, may appeal therefrom to the judge of assize for the county in which such decree, dismiss, direction, or order shall have been made or pronounced, in any case in which it shall not be necessary for the purpose of the decision of such appeal that an account should be taken by such judge of assize; and such judge of assize is hereby empowered and required to hear such appeal and to make such decree or order thereon as he shall think proper, or he may remit the suit or matter to the county court judge with such declarations or directions as he shall think proper; and upon the hearing of every such appeal the judge may award all or such costs and all or such expenses of witnesses in connexion with the appeal, and also all or such costs and all or such expenses of witnesses in the civil bill court, to be paid by or to such of the parties to the suit or matter as to him shall seem just, and may order any money deposited by any such party to the credit of any such suit or matter to be applied in or towards payment of such costs or expenses, or to be returned to the party lodging the same, or to be otherwise disposed of in accordance with the decree or order made upon appeal, as to such judge shall seem just.

Any person bringing an appeal under the provisions of this section shall, on instituting such appeal, be deemed to have abandoned any other right to appeal or to have a case stated, which he may have in respect of the same matter.

Jurisdiction extended to judge of assize.

4. All jurisdiction, powers, and authorities conferred upon any civil bill court by the County Officers and Courts (Ireland) Act, 1877, and the County Court Amendment (Ireland) Act, 1882, are hereby conferred upon and may be exercised by any judge of assize engaged in hearing any appeal under this Act from any civil bill court.

40 & 41 Vict. c. 56.
45 & 46 Vict. c. 29.

Amendment of civil bill on appeal.

5. The judge of assize, on the hearing of any appeal from the decision of a county court judge in the case of an ordinary civil bill, may amend such civil bill into an equity civil bill, and may make such other amendments consequential thereon in the statement of the plaintiff's claim as the judge shall think fit; and the judge of assize, on the hearing of any appeal brought under the provisions of this Act, shall have such and the same powers of amendment as are conferred on the judge of assize on appeal by the forty-eighth section of the Civil Bill Courts Procedure Amendment Act (Ireland), 1864.

27 & 28 Vict. c. 99.

Power to require county court judge to state a case.

6. Any person dissatisfied with the decision on any question of law made by a county court judge, in the exercise by him of any jurisdiction in equity or probate matters, may require the county court judge to direct a case to be stated in the prescribed manner; and the county court judge, unless satisfied that the application is frivolous, vexatious, or unreasonable, shall direct a case to be stated, and shall sign the same, and it shall be lodged in the prescribed manner in the High Court. Cases stated in equity shall be heard and determined by the Lord Chancellor or one of the judges of the Chancery Division of the High Court amongst whom the Lord Chancellor may distribute such cases. Cases stated in probate matters shall be heard and determined by the President of the Probate and Matrimonial Division of the High Court.

A case may, if necessary, be amended either before or at the hearing by consent of the parties, or it may be referred back for amendment to the county court judge by whom the case was directed to be stated, or his successor in office.

The Lord Chancellor may, by general or special order, provide for the distribution amongst the judges of the Chancery Division of the High Court of the cases stated in equity lodged in court under this section. Until other provision is made by such general or special order for the distribution of the said cases stated in equity the same shall be distributed in the manner provided by the orders in force at the passing of this Act for the distribution of equity appeals from county courts, under section forty-five of the County Officers and Courts (Ireland) Act, 1877.

Any person requiring a case to be stated under the provisions of this section shall, on such case being stated, be deemed to have abandoned any other right he may have to have a case stated, or to appeal in respect of the same matter.

Consolidation of appeals.

7. Where two or more of the parties to a suit or matter require a case to be stated in reference to the same decision of a county court judge, a single case only shall be stated, which shall be stated in the prescribed manner; and where two or more of such parties proceed to question such decision, unless all of such parties shall agree to proceed in the same manner, the manner of questioning such decision shall be by a single appeal to the judge of assize, in such manner and subject to such conditions as may be prescribed.

Decisions to be final.

8. The decision of the judge of assize upon any appeal brought under the provisions of this Act shall be final and conclusive except in such case as is herein-after provided, and the decision of the Lord Chancellor, judge of the Chancery Division of the High Court, or president of the Probate and Matrimonial Division of the High Court, as the case may be, upon any case stated under the provisions of this Act, shall be final and conclusive in all cases.

40 & 41 Vict. c. 56.

The judge of assize, on the hearing of any appeal brought under the provisions of this Act, or the Lord Chancellor, or other judge, on the hearing of an appeal under the provisions of the County Officers and Courts (Ireland) Act, 1877, notwithstanding the forty-third section of the said Act, may give special leave to appeal to the court of appeal on a question of law, in which case an appeal may be brought in the prescribed manner to the court of appeal on such question, which may make such order in respect of the matter of the appeal and as to costs, as to the said court shall seem just, and whose decision shall be final and conclusive.

Appeal not a stay without security for costs.

9. The statement of a case, or the pendency of an appeal, under this Act shall not operate as a stay of execution unless and until full security by lodgment, or otherwise, shall have been given for costs to the extent and in the manner prescribed by rules under this Act.

Mode of appeal.

45 & 46 Vict. c. 29.

10. Every appeal under this Act shall be taken in such manner and form, and subject to such security for costs and otherwise, as shall be prescribed, or until rules and orders shall be made under this Act in the manner and form as nearly as may be, and subject to the conditions specified in the County Court Amendment (Ireland) Act, 1882.

Appeals from Court of Recorder of Dublin.

11. In the application of this Act to the courts held by the Recorder of Dublin, a judge of the High Court shall be substituted instead of a judge of assize, according to the practice heretofore used in appeals from the Recorder.

Act not to interfere with existing rights of appeal.

12. The provisions of this Act shall be in addition to, and not in substitution for, any right to appeal from or have a case stated by a county court judge existing at the time of the passing of this Act.

Appeal in certain cases after time has expired.

13.—(1.) Any defendant in any ordinary civil bill decree, pronounced by a county court judge, who did not appear personally or by solicitor or counsel at the hearing of such civil bill, and who did not appeal from such decree within the period prescribed by the County Court Amendment (Ireland) Act, 1882, may, within one month after he shall first have had notice of such decree having been pronounced against him, if he thinks himself aggrieved thereby, deposit the amount of such decree and costs in the hands of the clerk of the peace, and thereupon all further proceedings pending the result of an appeal against such decree shall be stayed.

(2.) On the amount of said decree and costs being deposited with the clerk of the peace as aforesaid, the said defendant may, within four days from the date of such deposit, appeal to the next going judge of assize from the said decree in manner provided by the said Act, in like manner as if the time prescribed by the said Act for appealing had not expired, provided he shall first enter into a recognisance in the prescribed form in the sum of five pounds (with sufficient sureties), conditioned to perform and abide by the result of such appeal.

(3.) The party appealing shall make affidavit in the prescribed form that such appeal is not for the purpose of delay, and that he believes that there is probable cause for reversing the said decree, and that such deposit was made as aforesaid within one month after he first had notice of said decree, and on such affidavit being lodged with the clerk of the peace and the other preliminaries in the said Act and this section provided being carried out, the clerk of the peace shall enter such appeal for hearing.

(4.) The clerk of the peace shall hold the amount so deposited with him as aforesaid, to abide the result of said appeal or any order which may be made on the hearing of such appeal.

Attendance of clerks of peace.

14. The clerk of the peace is hereby required to attend in court on the hearing of every appeal under this Act, and to record in the prescribed manner the proceedings on such hearing, and to prepare the order to be signed by the judge of assize in accordance with his decision upon the appeal.

County court judge may direct clerk of peace or registrar to conduct inquiries and take accounts.

15. From and after the passing of this Act it shall be lawful for a county court judge to direct the clerk of the peace, or the registrar of the Civil Bill Court, to attend at any place or places within his jurisdiction during such days as he shall think right for the purpose of conducting such inquiries and taking such accounts as shall be referred to him, and every clerk of the peace, where that office has not been united with the office of clerk of the Crown as herein-after mentioned, shall be paid, out of moneys to be provided by Parliament, for such extra days service such sum as may be approved of by the Lord Chancellor, with the consent of the Treasury.

Allowances to clerks of peace and registrars.

16. There shall also be paid, out of moneys to be provided by Parliament, to clerks of the peace or registrars sums at the usual rate for subsistence allowances and travelling expenses while employed in the discharge of any additional duties imposed upon them by or under this Act.

Interpretation of terms.

17. The terms and expressions used in this Act shall have the same meanings respectively as they have in the County Officers and Courts (Ireland) Act, 1877, and rules thereunder, unless there is something in the context repugnant thereto; and in this Act "Court of Appeal" means Her Majesty's Court of Appeal in Ireland, and "High Court" means Her Majesty's High Court of Justice in Ireland.

Rules of court, procedure, forms, scale of fees.

18.—(1.) In this Act, the expression "prescribed" means prescribed by rules and orders under this Act.

(2.) In this Act, unless the context otherwise requires, the expression "clerk of the peace" includes clerk of the Crown and peace where the offices of clerk of the Crown and clerk of the peace have been united under the provisions of the County Officers and Courts (Ireland) Act, 1877.

40 & 41 Vict. c. 56.

(3.) Rules and orders may be made for the purposes of this Act, and for prescribing forms, and for prescribing the notices required to be given to the parties to any proceeding to which this Act applies, and for directing which of such parties are entitled to be served with such notices, and for prescribing scales of fees and costs.

(4.) Service of all notices and legal documents whatever may be effected, either according to the existing rules, orders, or statutory enactments applicable thereto, or in the prescribed manner.

(5.) Save as herein-after prescribed, the power of prescribing anything authorised by this Act to be prescribed shall be exercised by the authority, and subject to the conditions, by and subject to which Rules of Court are made under the Supreme Court of Judicature Act (Ireland), 1877, as amended by any other Act, and Rules as to practice, procedure, and costs, in reference to all appeals under this Act, may be made by the like Rules of Court.

40 & 41 Vict. c. 57.

(6.) In the case of proceedings in the county court under section six of this Act up to and including the signature of a case stated, the aforesaid powers shall be exercised by the authority and subject to the conditions by and subject to which they are exercised under the County Officers and Courts (Ireland) Act, 1877, as amended by any other Act.

40 & 41 Vict. c. 56.

(7.) All rules and orders, and scales of fees, costs, and charges, prescribed by rules made by the authorities mentioned in the said Acts respectively shall be and continue in full force and effect until altered according to law.

CHAPTER 49.

An Act for amending and consolidating the Enactments relating to Arbitration. [26th August 1889.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

References by Consent out of Court.

Submission to be irrevocable, and to have effect as an order of court.

1. A submission, unless a contrary intention is expressed therein, shall be irrevocable, except by leave of the Court or a judge, and shall have the same effect in all respects as if it had been made an order of Court. This does not make it a "cause or matter". Shaw & Ronaldson 1892 1 QB 91

Provisions implied in submissions.

2. A submission+, unless a contrary intention is expressed therein, shall be deemed to include the provisions set forth in the First

+ Refers to all submissions, whether made before or after the act. re Williams & Stepney 1891, 2 Q.B. 257.

Schedule to this Act, so far as they are applicable to the reference under the submission.

Reference to official referee.

3. Where a submission provides that the reference shall be to an official referee, any official referee to whom application is made shall, subject to any order of the Court or a judge as to transfer or otherwise, hear and determine the matters agreed to be referred.

Power to stay proceedings where there is a submission.

4. If any party to a submission, or any person claiming through or under him, commences any legal proceedings in any court against any other party to the submission, or any person claiming through or under him, in respect of any matter agreed to be referred, any party to such legal proceedings may at any time after appearance, and before delivering any pleadings or taking any other steps in the proceedings, apply to that court to stay the proceedings, and that court or a judge thereof if satisfied that there is no sufficient reason why the matter should not be referred in accordance with the submission, and that the applicant was, at the time when the proceedings were commenced, and still remains, ready and willing to do all things necessary to the proper conduct of the arbitration, may make an order staying the proceedings.

Summons to stay ordered to stand over until Defce delivd, in order that applica[illegible] might then be made to Ct to decide any question of law raised by pleadings before refce if necy & to an arbitrator to decide any matter of acct or [illegible]
44 Ch D [illegible].
& [illegible] parties, [illegible].
[illegible] v Norlie
[illegible] 1892. 2 QB. 252
filing affidt in answer to applica: for receiver is [illegible] [illegible] [illegible]
Zalinoff v [illegible] 1898 2 Ch 9[illegible]

Power for the court in certain cases to appoint an arbitrator, umpire, or third arbitrator.

5. In any of the following cases:—

(*a.*) Where a submission provides that the reference shall be to a single arbitrator, and all the parties do not after differences have arisen concur in the appointment of an arbitrator:

[illegible] Leic 1891 WN 198. 1892 1 QB 136.

(*b.*) If an appointed arbitrator refuses to act, or is incapable of acting, or dies, and the submission does not show that it was intended that the vacancy should not be supplied, and the parties do not supply the vacancy:

[illegible] clause [illegible] is not [illegible] [illegible] 1892. [illegible] 81.

(*c.*) Where the parties or two arbitrators are at liberty to appoint an umpire or third arbitrator and do not appoint him:

(*d.*) Where an appointed umpire or third arbitrator refuses to act, or is incapable of acting, or dies, and the submission does not show that it was intended that the vacancy should not be supplied, and the parties or arbitrators do not supply the vacancy:

Where agreet to refer provides for a refce to 3 arbitrat[illegible] one to be appd by each party & a third by the two chosen. There is no power, on refusal of one party to name his arbitrator, to order him to do so!
re Smith & Service & Nelson & Sons 25 QBD 545

any party may serve the other parties or the arbitrators, as the case may be, with a written notice to appoint an arbitrator, umpire, or third arbitrator.

If the appointment is not made within seven clear days after the service of the notice, the Court or a judge may, on application by the party who gave the notice, appoint an arbitrator, umpire, or third arbitrator, who shall have the like powers to act in the reference and make an award as if he had been appointed by consent of all parties.

in Eyre v Corp: of Leice[illegible] 1891 WN. 198. 1892 1 QB 136

Power for parties in certain cases to supply vacancy.

6. Where a submission provides that the reference shall be to two arbitrators, one to be appointed by each party, then, unless the submission expresses a contrary intention—

(*a.*) If either of the appointed arbitrators refuses to act, or is incapable of acting, or dies, the party who appointed him may appoint a new arbitrator in his place;

(*b.*) If, on such a reference, one party fails to appoint an arbitrator, either originally or by way of substitution as aforesaid, for seven clear days after the other party, having appointed his arbitrator, has served the party making default with notice to make the appointment, the party who has appointed an arbitrator may appoint that arbitrator to act as sole arbitrator in the reference, and his award shall be binding on both parties as if he had been appointed by consent:

Provided that the Court or a judge may set aside any appointment made in pursuance of this section.

Powers of arbitrator.

7. The arbitrators or umpire acting under a submission shall, unless the submission expresses a contrary intention, have power—

(*a.*) to administer oaths to or take the affirmations of the parties and witnesses appearing; and

(*b.*) to state an award as to the whole or part thereof in the form of a special case for the opinion of the Court; and

(*c.*) to correct in an award any clerical mistake or error arising from any accidental slip or omission.

Witnesses may be summoned by subpœna.

8. Any party to a submission may sue out a writ of subpœna ad testificandum, or a writ of subpœna duces tecum, but no person shall be compelled under any such writ to produce any document which he could not be compelled to produce on the trial of an action.

Power to enlarge time for making award.

9. The time for making an award may from time to time be enlarged by order of the Court or a judge, whether the time for making the award has expired or not.

Power to remit award.

10.—(1.) In all cases of reference to arbitration the Court or a judge may from time to time remit the matters referred, or any of them, to the reconsideration of the arbitrators or umpire.

(2.) Where an award is remitted, the arbitrators or umpire shall, unless the order otherwise directs, make their award within three months after the date of the order.

Power to set aside award.

[illegible] of an Umpire [illegible] by an arbit: that he made his award improperly, is not [illegible] on applicn to set it aside. Re Whiteley & Roberts [illegible]91. 1 Ch 558.

11.—(1.) Where an arbitrator or umpire has misconducted himself, the Court may remove him.

(2.) Where an arbitrator or umpire has misconducted himself, or an arbitration or award has been improperly procured, the Court may set the award aside.

Enforcing award.

12. An award on a submission may, by leave of the Court or a judge, be enforced in the same manner as a judgment or order to the same effect.

References under Order of Court.

Reference for report.

Palmer v. Hardwick. [illegible] 162.

13.—(1.) Subject to Rules of Court and to any right to have particular cases tried by a jury, the Court or a judge may refer any question arising in any cause or matter (other than a criminal proceeding by the Crown) for inquiry or report to any official or special referee.

(2.) The report of an official or special referee may be adopted wholly or partially by the Court or a judge, and if so adopted may be enforced as a judgment or order to the same effect.

Power to refer in certain cases.

14. In any cause or matter (other than a criminal proceeding by the Crown),—

(*a.*) If all the parties interested who are not under disability consent: or, (*b.*) If the cause or matter requires any prolonged examination of documents or any scientific or local investigation which cannot in the opinion of the Court or a judge conveniently be made before a jury or conducted by the Court through its other ordinary officers: or,

Refce of "all matters in diffce" (matters, [illegible] within act) by consent — award final & cannot be reviewed. Darlington Waggon Co v. Trouville Pier Co. '91. 1 QB. 245.

(*c.*) If the question in dispute consists wholly or in part° of matters of account;

°Whalbatt v Barnett 1893. 1 QB 77

the Court or a judge may at any time order the whole cause or matter, or any question or issue of fact arising therein, to be tried before a special referee* or arbitrator respectively agreed on by the parties, or before an official referee or officer of the Court.

Palmer v Hardwick 1890 WN 162

*in such case no leave to appeal from Div. Ct. to review the Decision in [illegible]. Munday v Norton 1892. 1 QB 403.

15.—(1.) In all cases of reference to an official or special referee or arbitrator under an order of the Court or a judge in any cause or matter, the official or special referee or arbitrator shall be deemed to be an officer of the Court,* and shall have such authority, and* shall conduct the reference in such manner, as may be prescribed by Rules of Court, and subject thereto as the Court or a judge may direct.

Powers and remuneration of referees and arbitrators.

* Palmer v Hardwick 1890 WN. 162.

(2.) The report or award of any official or special referee or arbitrator on any such reference shall, unless set aside by the Court or a judge, be equivalent to the verdict of a jury.* (

(Does not affect "finality of award", the. cannot be reviewed as a "report" of an O.R. Darlington Wagon Co v Hardwick [illegible]. 1890 WN 162. '91. 1 QB. 245.

(3.) The remuneration to be paid to any special referee or arbitrator to whom any matter is referred under order of the Court or a judge shall be determined by the Court or a judge.

16. The Court or a judge shall, as to references under order of the Court or a judge, have all the powers which are by this Act conferred on the Court or a judge as to references by consent out of Court.

Court to have powers as in references by consent.

17. Her Majesty's Court of Appeal shall have all the powers conferred by this Act on the Court or a judge thereof under the provisions relating to references under order of the Court.

Court of Appeal to have powers of court.

General.

18.—(1.) The Court or a judge may order that a writ of subpœna ad testificandum or of subpœna duces tecum shall issue to compel the attendance before an official or special referee, or before any arbitrator or umpire, of a witness wherever he may be within the United Kingdom.

(2.) The Court or a judge may also order that a writ of habeas corpus ad testificandum shall issue to bring up a prisoner for examination before an official or special referee, or before any arbitrator or umpire.

Power to compel attendance of witness in any part of the United Kingdom, and to order habeas corpus to issue.

19. Any referee, arbitrator, or umpire may at any stage of the proceedings under a reference, and shall, if so directed by the Court or a judge, state in the form of a special case for the opinion of the Court any question of law arising in the course of the reference. This sec. applies to refce under [illegible] Action [illegible] 1892 WN [illegible] 2 QB 63. Appeal from opinion of Court given thereon [illegible] 1892 WN 139. 2 QB 613. [illegible]

Statement of case pending arbitration.

[illegible] 1890 WN 57. 44 Ch D 200.

20. Any order made under this Act may be made on such terms as to costs, or otherwise, as the authority making the order thinks just.

Costs. [illegible] to Costs of Case.

21. Provision may from time to time be made by Rules of Court for conferring on any master, or other officer of the Supreme Court,

Exercise of powers by masters and other officers.

all or any of the jurisdiction conferred by this Act on the Court or a judge.

Penalty for perjury. 22. Any person who wilfully and corruptly gives false evidence before any referee, arbitrator, or umpire shall be guilty of perjury, as if the evidence had been given in open court, and may be dealt with, prosecuted, and punished accordingly.

Crown to be bound. 23. This Act shall, except as in this Act expressly mentioned, apply to any arbitration to which Her Majesty the Queen, either in right of the Crown, or of the Duchy of Lancaster or otherwise, or the Duke of Cornwall, is a party, but nothing in this Act shall empower the Court or a judge to order any proceedings to which Her Majesty or the Duke of Cornwall is a party, or any question or issue in any such proceedings, to be tried before any referee, arbitrator, or officer without the consent of Her Majesty or the Duke of Cornwall, as the case may be,[or shall affect the law as to costs payable by the Crown.]

Last 12 words repealed by the Administration of Justice (Misc. Provisions) Act 1933 s. 10 (3)

Application of Act to references under statutory powers. 24. This Act shall apply to every arbitration under any Act* passed before or after the commencement of this Act as if the arbitration were pursuant to a submission, except in so far as this Act is inconsistent with the Act regulating the arbitration or with any rules or procedure authorised or recognised by that Act.

* e.g. Building Soc. Act: re Knight & Tabernacle Bldg. Soc. 1892. 2 QB 63

Saving for pending arbitrations. 25. This Act shall not affect any arbitration pending at the commencement of this Act, but shall apply to any arbitration commenced after the commencement of this Act under any agreement or order made before the commencement of this Act.

Submission before this act contained no power to award costs, there (i) of sch. does not apply — re [illegible] & Shepherd 1891 [illegible] QB 700. (1891. 2 QB. 257)

Repeal. 26.—(1.) The enactments described in the Second Schedule to this Act are hereby repealed to the extent therein mentioned, but this repeal shall not affect anything done or suffered, or any right acquired or duty imposed or liability incurred, before the commencement of this Act, or the institution or prosecution to its termination of any legal proceeding or other remedy for ascertaining or enforcing any such liability.

(2.) Any enactment or instrument referring to any enactment repealed by this Act shall be construed as referring to this Act.

Definitions. 27. In this Act, unless the contrary intention appears,—

a policy, though not signed by assured is — [illegible] Yorkshire Co. [illegible]

"Submission" means a written agreement to submit present or future differences to arbitration, whether an arbitrator is named therein or not.

"Court" means Her Majesty's High Court of Justice.

"Judge" means a judge of Her Majesty's High Court of Justice.

"Rules of Court" means the Rules of the Supreme Court made by the proper authority under the Judicature Acts.

Extent. 28. This Act shall not extend to Scotland or Ireland.

Commencement. 29. This Act shall commence and come into operation on the first day of January one thousand eight hundred and ninety.

Short title. 30. This Act may be cited as the Arbitration Act, 1889.

SCHEDULES.

THE FIRST SCHEDULE.

Provisions to be implied in Submissions.

a. If no other mode of reference is provided, the reference shall be to a single arbitrator.

b. If the reference is to two arbitrators, the two arbitrators may appoint an umpire at any time within the period during which they have power to make an award.

c. The arbitrators shall make their award in writing within three months after entering on the reference, or after having been called on to act by notice in writing from any party to the submission, or on or before any later day to which the arbitrators, by any writing signed by them, may from time to time enlarge the time for making the award.

d. If the arbitrators have allowed their time or extended time to expire without making an award, or have delivered to any party to the submission, or to the umpire a notice in writing, stating that they cannot agree, the umpire may forthwith enter on the reference in lieu of the arbitrators.

e. The umpire shall make his award within one month after the original or extended time appointed for making the award of the arbitrators has expired, or on or before any later day to which the umpire by any writing signed by him may from time to time enlarge the time for making his award.

f. The parties to the reference, and all persons claiming through them respectively, shall, subject to any legal objection, submit to be examined by the arbitrators or umpire, on oath or affirmation, in relation to the matters in dispute, and shall, subject as aforesaid, produce before the arbitrators or umpire, all books, deeds, papers, accounts, writings, and documents within their possession or power respectively which may be required or called for, and do all other things which during the proceedings on the reference the arbitrators or umpire may require.

g. The witnesses on the reference shall, if the arbitrators or umpire thinks fit, be examined on oath or affirmation.

h. The award to be made by the arbitrators or umpire shall be final and binding on the parties and the persons claiming under them respectively.

i. The costs of the reference and award shall be in the discretion of the arbitrators or umpire, who may direct to and by whom and in what manner those costs or any part thereof shall be paid, and may tax or settle the amount of costs to be so paid or any part thereof, and may award costs to be paid as between solicitor and client.

If not stated in award
itself. - costs are
liable to tax".
re Prebble & Robinson.
1892. 2 QB 602.

THE SECOND SCHEDULE.

Enactments repealed.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
9 Will. 3. c. 15. -	An Act for determining differences by arbitration.	The whole Act.
3 & 4 Will. 4. c. 42. -	An Act for the further amendment of the law and the better advancement of justice.	Sections thirty-nine to forty-one, both inclusive.
17 & 18 Vict. c. 125. -	The Common Law Procedure Act, 1854.	Sections three to seventeen, both inclusive.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
36 & 37 Vict. c. 66. -	The Supreme Court of Judicature Act, 1873.	Section fifty-six, from "Subject to any Rules "of Court" down to "as a judgment by the "Court," both inclusive, and the words "special referees or." Sections fifty-seven to fifty-nine, both inclusive.
47 & 48 Vict. c. 61. -	The Supreme Court of Judicature Act, 1884.	Sections nine to eleven, both inclusive.

CHAPTER 50.

An Act to amend the Laws relating to Local Government in Scotland. [26th August 1889.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Preliminary.

Short title.

1. This Act may be cited as the Local Government (Scotland) Act, 1889.

Extent of Act.

2. This Act shall extend to Scotland only.

PART I.

Constitution and Powers of County Council.

Constitution of County Council.

Establishment of county council.

3. A council (in this Act referred to as a county council or the council of a county) shall be established in every county, and be entrusted with the management of the administrative and financial business of that county as herein-after provided.

Councillors.

Composition and term of office of council.

4.—(1.) Subject to the provisions of this Act the councillors of a county council shall be elective, and for the purpose of their election a county shall be divided into electoral divisions; and one county councillor only shall be elected for each electoral division.

(2.) On each county council there shall be such number of elective councillors and in each county there shall be such number of electoral divisions, and the contents and boundaries of the electoral divisions shall be such as may be determined in manner in this Act mentioned: Provided that every police burgh shall be an electoral division or shall be divided into two or more electoral divisions.

(3.) The term of office of a councillor shall be three years, and in every third year the whole number of councillors shall go out of office, and their places shall be filled by election. Provided that the county councillors first elected under the provisions of this Act shall continue in office only until the first Tuesday of December in the year one thousand eight hundred and ninety-two, when the whole number of councillors shall go out of office, and their places shall be filled by election as herein-after provided.

Provided always, that if any police burgh or other electoral division shall, after the passing of this Act, be annexed to or included within the boundaries of any burgh, the councillor or councillors for such police burgh or electoral division shall, from and after the date when such annexation or inclusion takes effect, cease to hold office, and the number of the councillors for the county shall be reduced accordingly. Provided also that if a part only of any electoral division shall be so annexed or included, the councillor or councillors for such electoral division shall continue to hold office until the Secretary for Scotland shall otherwise determine.

Number and apportionment of councillors.

5. The Secretary for Scotland shall determine the number of councillors to be elected to a county council, and shall apportion them between the county and each of the burghs (if any) entitled, as herein-after provided, to be represented on the county council, and in making such determination and apportionment the Secretary for Scotland shall have regard to the population, distribution, and pursuits of the population, area, annual value as appearing on the valuation rolls, and other circumstances of the county and burghs respectively.

Qualification of electors.

6. The councillor for an electoral division shall be elected by the persons registered as herein-after provided as county electors for that division.

Qualification of councillors.

7. A person shall not be qualified to be elected or to be a councillor for an electoral division of a county unless he is at the time of the election registered as a county elector for such county.

Appointment of councillors by certain burghs.

8. Every burgh which contains a population of less than seven thousand shall, for the purposes herein-after mentioned, and subject to the provisions of this Act, be represented on the county council of the county within which it is situated, or with which it has the longest common boundary, in manner following, that is to say:

(1.) The county councillors to be elected for such burgh shall be elected by the town council of such burgh from among their own number, at a meeting of the town council to be held in the month of January, in the year one thousand eight hundred and ninety, and in the month of November in every subsequent year in which the election of a county council is appointed to take place.

(2.) The term of office of a county councillor for a burgh shall be three years, provided that his term of office as a county councillor shall terminate when he ceases to be a town councillor, and the town council shall fill up any casual vacancy arising under this section at their first meeting after such vacancy occurs, but such appointment shall only be till the time of the next county council election.

(3.) The provisions of this section shall apply to a royal burgh which contains a population of more than seven thousand, but does not return or contribute to return a member to Parliament, and to any burgh which contains a population of more than seven thousand, but does not maintain a separate police force.

48 & 49 Vict. c. 3.

(4.) The expression "the Representation of the People Acts," in section three of the Representation of the People Act, 1884, is hereby declared to include the Acts regulating the registration of municipal electors.

Disqualifications for being councillor or member of committee.

9.—(1.) No woman shall be eligible for election as a county councillor; and

(2.) A person shall be disqualified for being elected and for being a county councillor or member of a committee in this Act mentioned, if and while he—

(*a.*) Holds any office or place of profit under the county council or any committee in this Act mentioned; or

(*b.*) Has directly or indirectly, by himself or his partner, any share or interest in any contract or employment with, by, or on behalf of the council or committee.

But a person shall not be disqualified, or be deemed to have any share or interest in such a contract or employment, by reason only of his having any share or interest in—

(*c.*) Any lease, sale, or purchase of land, or any agreement for the same; or

(*d.*) Any agreement for the loan of money, or any security for the payment of money only; or

(*e.*) Any newspaper in which any advertisement relating to the affairs of the council or committee is inserted; or

(*f.*) Any company which contracts with the council or committee for lighting or supplying with water, or insuring against fire, any property of the council or committee; or

25 & 26 Vict. c. 89.

(*g.*) Any railway company, or any company incorporated by Act of Parliament or Royal Charter, or under the Companies Act, 1862.

Convener of the County.

Regulations as to convener and vice-convener of county.

10.—(1.) The chairman of the county council, who shall be called the convener of the county, shall be a fit person elected by the council from among the councillors, and shall by virtue of his office be a justice of the peace for the county.

(2.) The term of office of the convener of the county shall be one year.

(3.) The county council may from time to time appoint a county councillor to be vice-convener, to hold office during the term of office of the convener, and, subject to any rules made from time to time by the council, anything authorised or required to be done by or to or before the convener may be done by or to or before the vice-convener.

(4.) A casual vacancy in the office of convener or vice-convener of the county caused by death, resignation, or disqualification, shall, as soon as practicable, be filled up by the county council; but the person filling any such vacancy shall retain his office so long only as the vacating convener or vice-convener would have retained the same if such vacancy had not occurred.

Powers of Council.

Transfer to county council of powers of commissioners of supply, road trustees, &c.

11. Subject to the provisions of this Act there shall be transferred to and vested in the council of each county, on and after the appointed day, or at such times as are in this Act in that behalf respectively specified:—

(1.) The whole powers and duties of the commissioners of supply, save as herein-after mentioned;

(2.) The whole powers and duties of the county road trustees;

(3.) The whole powers and duties of the local authority of the county under the Contagious Diseases (Animals) Acts and the Destructive Insects Act, 1877;

40 & 41 Vict. c. 68.

(4.) The whole powers and duties of the local authorities under the Public Health Acts of parishes so far as within the county (excluding burghs and police burghs); and

(5.) The administrative powers and duties of the justices of the peace of the county in general or special or quarter sessions assembled in respect of the several matters following, namely:

(i.) The execution as local authority of the Acts relating to gas meters, to explosive substances, to weights and measures, to habitual drunkards, and to wild birds;

(ii.) The appointment of visitors of public, private, or district lunatic asylums; and

(iii.) The registration of rules of scientific societies under the Act of the session of the sixth and seventh years of the reign of Her present Majesty, chapter thirty-six.

All powers and duties of the justices of the peace not transferred by this Act to the county council shall be reserved to and transacted by such justices in the same manner, so far as circumstances admit, as if this Act had not passed.

The provisions of any Act of Parliament conferring, imposing, or regulating the powers and duties by this Act transferred or regulating the proceedings under any such Act shall remain in full force and effect, except in so far as they are repealed by or are inconsistent with the provisions of this Act.

Continuance of commissioners of supply for limited purposes specified.

12.—(1.) Notwithstanding the transference in the immediately preceding section mentioned all enactments in regard to the constitution, qualification, admission, and making up lists of commissioners of supply shall continue in force, and all existing commissioners of supply shall continue to hold office so long as they retain their qualifications under the said enactments; but save for the purposes in this Act expressly mentioned, every reference in any Act of Parliament, scheme, order, deed, or instrument to commissioners of supply, or to their convener, shall be read and construed as referring to the county council or councillors, or to the convener of the county elected under this Act: Provided also that the County General Assessment (Scotland) Act, 1868, shall be repealed after the words "such assessment is imposed" in the fourth section thereof to the end of section nine of the Act.

31 & 32 Vict. c. 82.

(2.) For the purpose of appointing members of the standing joint committee herein-after mentioned, and also of the committee to be appointed to dispose of claims and objections under the provisions of the Commissioners of Supply (Scotland) Act, 1856, and any amending Act, the commissioners of supply shall meet annually in the same place and on the same day as, and either before or after, the meeting of the county council in the month of May in each year, but shall not transact any business other than the election of a convener of the Commissioners of Supply and the election of the members of the committees in this section mentioned.

19 & 20 Vict. c. 93.

(3.) If any member of a committee appointed as in this section mentioned shall die, resign, or become disqualified, the vacancy so caused may be filled up by the commissioners of supply at a meeting called by their convener on not less than ten days notice by circular addressed to each commissioner of supply.

(4.) The county clerk shall without any further appointment or remuneration act as clerk of the commissioners of supply, and when so acting shall be deemed to be the clerk of supply within the meaning of the enactments in this section before mentioned.

Transfer of police in burghs under 7,000.

13. Where a burgh or police burgh contains a population of less than seven thousand, then on and after the appointed day all powers, duties, and liabilities of the magistrates and council or police commissioners of such burgh or police burgh (if any) in relation to the raising, management, and maintenance of a police force (herein-after referred to as the administration of the police) shall cease, and subject to the provisions of this Act as to the existing members of the police force, the county council shall have the same powers and duties and shall have transferred to it the same liabilities as regards the administration of police within such burgh or police burgh as they have in every other part of the county.

20 & 21 Vict. c. 72.

For the purposes of section seventy-four of the Police Act, 1857, the expression "this Act," shall include the Local Government (Scotland) Act, 1889, and shall be held to apply to police burghs.

Provided that this section shall not apply to the burgh of Renfrew or the police burgh of Lerwick.

Transfer of administration of Contagious Diseases (Animals) and Destructive Insects Acts in burghs under 7,000.

14. Where a burgh contains a population of less than seven thousand, then on and after the appointed day all powers, duties, and liabilities of the magistrates and council of such burgh as the local authority under the Contagious Diseases (Animals) Acts, and the Destructive Insects Act, 1877, within the burgh shall cease, and subject to the provisions of this Act as to the existing officers of the said local authority, the county council shall have the same powers and duties and shall have transferred to it the same liabilities as regards the administration of the Contagious Diseases (Animals) Acts, and the Destructive Insects Act, 1877, or any order made thereunder, within such burgh as they have in every other part of the county.

40 & 41 Vict. c. 68.

Provided that nothing in this section shall transfer to the county council any powers, duties, or liabilities under section thirty-four of the Contagious Diseases (Animals) Act, 1878, as amended by section nine of the Contagious Diseases (Animals) Act, 1886.

41 & 42 Vict. c. 74.

49 & 50 Vict. c. 32.

Provided also that police constables (including the chief constable) and other officers appointed and acting under or in pursuance of the provisions of this and the immediately preceding section shall have the same powers and duties within the burghs and police burghs respectively in those sections mentioned as they have in every other part of the county.

The provisions of this section in regard to the administration of the Contagious Diseases (Animals) Acts shall apply to any royal burgh which does not return or contribute to return a member to Parliament.

Provided also, that if any question shall arise as to the burghs and police burghs to which the provisions of this or the immediately preceding section apply, the same may be determined by the Secretary for Scotland.

Transfer to county council of powers of certain Government departments and other authorities.

15.—(1.) After the passing of this Act it shall be lawful for the Secretary for Scotland to make from time to time a provisional order for transferring to county councils—

(*a.*) Any such powers, duties, and liabilities of Her Majesty's Privy Council, the Secretary for Scotland, the Board of Trade, or the Scotch Education Department, or any other Government department, as are conferred by or in pursuance of any statute and appear to relate to matters arising within the county, and to be of an administrative character; also

(*b.*) Any such powers, duties, and liabilities arising within the county of any public body, corporate or unincorporate (not being the corporation of a burgh, or the trustees of a public navigation or lighthouse trust, or the commissioners of police of a police burgh, or a parochial board, or a school board), as are conferred by or in pursuance of any statute;

and such order shall make such exceptions and modifications as appear to be expedient, and also such provisions as appear necessary or proper for carrying into effect such transfer, and for that purpose may transfer any power vested in Her Majesty in Council.

(2.) Provided that before any such order is made, the draft thereof shall be approved, if it relates to the powers, duties, or liabilities of the Board of Trade, or any other Government department, by such Board or department, and approved, if it affects the powers, duties, or liabilities of any public body, corporate or unincorporate, by such public body; and every such provisional order shall be of no effect until it is confirmed by Parliament.

(3.) If any such powers, duties, or liabilities as are referred to in any provisional order under this section arise within two or more counties, they may be transferred to the county councils of such two or more counties jointly, and may be exercised and discharged by a joint committee of such councils.

Transfer of powers of county road trustees.

16. With respect to the transference to the county council of the powers and duties of county road trustees, the following provisions shall have effect:

Repeal of local Road Acts.

(1.) From and after the appointed day all local Acts of Parliament in so far as they relate to highways in any county in which the Roads and Bridges (Scotland) Act, 1878, has not previously taken effect shall be repealed, and the said Act shall, subject to the provisions of this Act, take effect therein as if it had been adopted on the appointed day in terms of the sixth section thereof.

Effect and amendment of 41 & 42 Vict. c. 51.

(2.) From and after the appointed day the Roads and Bridges (Scotland) Act, 1878, shall have effect in every county, subject to the modifications following, and to such other modifications as are necessary for adapting the said Act to the provisions of this Act:

(*a*.) All the provisions of the said Act in regard to the constitution, qualification, and election or appointment of county road trustees shall be repealed, and the Act shall be read and have effect as if the county council and councillors were substituted for the county road trustees.

(*b*.) The county council shall, at their first meeting in the month of May next after the passing of this Act, and thereafter annually at their meeting in the month of December, appoint from among their own number a committee, to be called the county road board, consisting of not more than thirty councillors. The county road board so appointed shall come in place, and shall have all the powers and duties of a county road board under the said Act, except in so far as inconsistent with the provisions of this Act, and shall appoint their own chairman.

(*c*.) For the purpose of the management and maintenance of highways, the county shall, except as herein-after provided, be divided into districts in manner provided in this Act, and such districts shall be deemed to be districts for the purposes of the Roads and Bridges (Scotland) Act, 1878; and there shall be a district committee for each district, constituted as provided in this Act, which shall come in place and have all the powers and duties of a district road committee under the Roads and Bridges (Scotland) Act, 1878, except in so far as inconsistent with the provisions of this Act: Provided that the district clerk appointed under this Act shall be deemed to be and shall discharge the duties of a district road clerk.

Sections sixteen, seventeen, and ninety-one of the Roads and Bridges (Scotland) Act, 1878, shall be repealed from and after the appointed day, and section eighteen shall be repealed in so far as it relates to the qualification of members of the district committee therein mentioned and to the nomination of the chairman of such committee, and so much of sections twenty-four and fifty-eight as provides that proprietors only shall vote in regard to the construction of new roads and bridges, and be liable for the cost thereof, shall be repealed in regard to roads and bridges to be made, built, or rebuilt after the appointed day; and the cost of such construction shall be provided for in the same manner as the cost of maintenance of existing roads and bridges.

(*d.*) The assessment for road debt under the Roads and Bridges (Scotland) Act, 1878, or under any local Act of Parliament shall, until the debt is wholly repaid, be payable by owners only, subject to the provisions of the said Acts, and shall be included in the owners consolidated rate: Provided that nothing contained in this Act shall derogate from the provisions of section forty of the Roads and Bridges (Scotland) Act, 1878, in regard to the liability for road debts in detached parts of counties, and if any question shall arise as to the application of the last-mentioned provisions, it may be disposed of summarily by the sheriff of the county within which the lands and heritages are locally situated, and his decision shall be final.

41 & 42 Vict. c. 51

17. With respect to the transference to the county council of the powers and duties of certain local authorities under the Public Health Acts, the following provisions shall have effect:

Transfer of powers of parochial boards under Public Health Acts.

(1.) For the purposes of the administration of the laws relating to public health, the county shall, except as herein-after provided, be divided into districts in the manner provided in this Act, and there shall be a district committee for each such district constituted as provided in this Act.

(2.) A district committee shall, subject to the provisions of this Act, be the local authority under the Public Health Acts, and as such shall have and may exercise within its district all the powers and duties and be subject to all the liabilities by this Act transferred to or conferred on the county council with respect to the administration of the laws relating to public health, except those relating to medical officers or sanitary inspectors for the county, and subject to the provisions following:

(*a.*) A district committee shall have no power of raising money by rate or loan:

(*b.*) The county council shall make general regulations for the government of a district committee, and such committee shall conform to those regulations:

(*c.*) Any five ratepayers in the district may appeal from any proceedings or order of a district committee to the county council, who shall have power to confirm or vary or rescind such proceedings or order; and such proceedings or order shall be stayed pending the appeal, but the power of appeal hereby given shall not apply to any proceedings for the removal of a nuisance; and nothing in this Act contained shall affect or prejudice any proceedings to enforce the provisions of the Public Health Acts, save only that when necessary such proceedings shall be taken by or against the district committee instead of against the parochial board as local authority under the said Acts. The medical officer or the sanitary inspector of the county or district may appeal to the county council, and the county council may on such appeal make an order under the Public Health Acts.

(3.) The power of appointing officers under the Public Health Acts is hereby varied, so that it shall be lawful to appoint such officers either for the whole district or for any part thereof or parish therein as shall be deemed expedient. The officers so appointed shall have, as nearly as may be, within the areas respectively assigned to them the same powers, duties, rights, and tenure (if any) as the officers, as the case may be, of the existing local authority have within the area of the parish.

(4.) The sums necessary to meet any deficiency in respect of the expenditure under the Public Health Acts within any district shall be levied by the county council by a rate imposed on all lands and heritages within such district, or within any special drainage or water supply district within the meaning and subject to the provisions of the Public Health Acts.

Standing Joint Committee for County.

Standing joint committee of county council and commissioners of supply for certain purposes.

18.—(1.) For the purposes in this section mentioned and with respect to the powers of borrowing transferred or conferred by this Act, or any other Act, there shall be a standing joint committee of the county council and the commissioners of supply, consisting of such number of county councillors not exceeding seven, as shall be appointed by the county council annually at their meeting in the month of May, and such number of commissioners of supply not exceeding seven, as shall be appointed by the commissioners of supply annually at their meeting on the same day. Six shall form a quorum of the committee, and the committee may act notwithstanding any vacancy upon it.

(2.) The sheriff of the county (or in his absence one of his substitutes to be by him nominated for that purpose) shall be ex officio a member of the said standing joint committee, and the committee shall elect one of their own number to be chairman thereof.

(3.) If any appointed member of such committee shall die, resign, or become disqualified, the vacancy may be filled up by the county council or commissioners of supply, as the case may be, by whom the member vacating office was appointed; any member of such committee may resign office by a writing under his hand addressed to the county clerk.

(4.) On the requisition of the chairman or of any two members of the standing joint committee, the county clerk (who shall without any further appointment or remuneration act as clerk of the committee) shall convene a meeting thereof, on not less than six days notice, by letter addressed to each member of the committee.

(5.) The standing joint committee appointed in terms of this section shall, after the appointed day, be deemed to be the police committee under the Police Act, 1857, and shall have all the powers of such committee and be subject to all the provisions

20 & 21 Vict. c. 72.

of that Act, except in so far as these provisions are expressly modified by this Act.

(6.) No works involving capital expenditure (in this Act referred to as capital works) shall be undertaken in any county, or any district thereof, under or in pursuance of powers transferred or conferred by this Act, or any other Act, without the consent in writing of the standing joint committee appointed in terms of this section.

(7.) Capital works shall include the erection, rebuilding, or enlargement of buildings, the construction, re-construction, or widening of roads and bridges, the construction or extension of drainage or water supply works, and shall also include the acquisition of land or of any right or interest or servitude in or over land or water for the purposes of any capital work.

PART II.

FINANCIAL RELATIONS BETWEEN EXCHEQUER AND COUNTIES AND BURGHS.

19. All sums paid on account of the financial year ending the thirty-first day of March next after the passing of this Act in respect of the probate duty grant under the provisions of the Probate Duties (Scotland and Ireland) Act, 1888, to the Local Taxation (Scotland) Account shall, subject to the conditions set forth in the last-mentioned Act, be applied by or under the direction of the Secretary for Scotland in the following manner:—

Application of probate duty grant in year ending 31st March 1890. 51 & 52 Vict. c. 60.

(1.) In paying a sum of thirty thousand pounds for the relief of local taxation in the Highlands and Islands of Scotland in such proportions and manner as may be from time to time directed by the Secretary for Scotland;

(2.) In paying to every road authority who have received out of the Exchequer a contribution to the cost of roads, or to the successors of such authority, sums calculated in like manner and according to the like scale and regulations as in the financial year ending the thirty-first day of March one thousand eight hundred and eighty-seven;

(3.) The balance shall be applied towards relief from the payment of school fees in the State-aided schools in Scotland and be distributed in such manner and in accordance with such conditions as may be set forth in a Minute of the Scotch Education Department to be forthwith laid before Parliament.

(4.) For the purpose of this section of this Act, the terms and expressions therein have the meanings assigned to them in the Probate Duties (Scotland and Ireland) Act, 1888.

(5.) From and after the thirty-first day of March next after the passing of this Act the Probate Duties (Scotland and Ireland) Act, 1888, shall, so far as it applies to Scotland, be repealed, without prejudice to the distribution of the moneys referred to in this section.

20. After the financial year ending on the thirty-first day of March next after the passing of this Act, the Commissioners of Inland Revenue shall, from time to time, in such manner and under

Payment after 31st March 1890 of proceeds of duties on local taxation licences.

such regulations as the Treasury from time to time prescribe, pay into the Bank of England to such account (in this Act referred to as the Local Taxation (Scotland) Account) as may be fixed by the regulations, such sums as may be ascertained in manner provided by the regulations to be the proceeds of the duties collected by those Commissioners in Scotland on the licences (in this Act referred to as local taxation licences) specified in the Schedule to this Act, and for the purposes of this section all penalties and forfeitures recovered in respect of the said duties shall be considered as part of the proceeds of the duties.

Grant of portion of probate duty after 31st March 1890.

21. After the financial year ending the thirty-first day of March next after the passing of this Act, the Commissioners of Inland Revenue shall, from time to time, in such manner and under such regulations as the Treasury may from time to time prescribe, pay into the Bank of England to the Local Taxation (Scotland) Account such sums as may be ascertained, in manner provided by the regulations, to be eleven hundredth parts of one half of the proceeds of the sums collected by them in respect of the probate duties, and for the purpose of this section "probate duties" means the stamp duties charged on the affidavit required from persons applying for probate or letters of administration in England, Wales, or Ireland, and on the inventory exhibited and recorded in Scotland, and also the stamp duties charged on such accounts of personal and moveable property as are specified in section thirty-eight of the Customs and Inland Revenue Act, 1881, and also includes the proceeds of all penalties and forfeitures recovered in relation to such stamp duties. In the construction of sub-section (5) of the Customs and Inland Revenue Act, 1889, the reference therein to section five of the Probate Duties (Scotland and Ireland) Act, 1888, shall be read as if it were a reference to this section.

44 & 45 Vict. c. 12.

52 & 53 Vict. c. 7.

51 & 52 Vict. c. 60.

Application of duties of local taxation licences and probate duty grant.

22. Until Parliament shall otherwise determine all sums from time to time paid to the Local Taxation (Scotland) Account shall be applied by or under the direction of the Secretary for Scotland in manner herein-after mentioned (that is to say):—

(1.) In paying a sum of ten thousand pounds to the county councils of the counties in the Highlands and Islands of Scotland in proportion to the grants paid out of Exchequer to the Commissioners of Supply and County Road Trustees of each such county (excluding the burghs therein) during the financial year ending the thirty-first day of March next before the passing of this Act, the share falling to each county council to be applied to the relief of local taxation for the purposes of this Act in such county (excluding the burghs therein) in such manner as the county council shall determine;

(2.) In distributing a sum of thirty-five thousand pounds among the road authorities in Scotland who, or whose predecessors, have received out of the Exchequer a contribution to the cost of roads, in like manner and according to the like scale and regulations, as nearly as may be, as in the financial year ending the thirty-first day of March one thousand eight hundred and eighty-seven;

(3.) In distributing a sum of one hundred and fifty-five thousand pounds among the police authorities in Scotland who, or whose predecessors, have received out of the Exchequer a contribution to the cost of the pay and clothing of the police, in like manner and according to the like scale and regulations, as nearly as may be, as in the financial year ending the thirty-first day of March one thousand eight hundred and eighty-nine;

(4.) In distributing a sum of twenty thousand pounds among the parochial boards in Scotland as a contribution to the cost of Poor Law medical relief and trained sick nursing in poor-houses, in like manner and according to the like scale and regulations, as nearly as may be, as in the financial year ending the thirty-first day of March one thousand eight hundred and eighty-nine;

(5.) In distributing a sum of ninety thousand five hundred pounds among the parochial boards in Scotland as a contribution to the cost of maintenance of pauper lunatics chargeable to such boards in like manner and according to the like scale and regulations, as nearly as may be, as in the financial year ending the thirty-first day of March one thousand eight hundred and eighty-nine;

(6.) The balance shall be applied towards relief from payment of school fees in the State-aided schools in Scotland, and shall be distributed in such manner and in accordance with such conditions as may from time to time be set forth in the Scotch Education Code annually submitted to Parliament;

The determination of the Secretary for Scotland as to the distribution of sums under this section shall be conclusive.

So much of any enactment as requires or authorises payment out of the Exchequer of any local grant in substitution for which the Secretary for Scotland is by this Act required to make or direct the payments in this section mentioned, is hereby repealed as from the thirty-first day of March next after the passing of this Act, without prejudice to any right accrued before that day.

As to Secretary for Scotland's power respecting efficiency of police.

23. If the Secretary for Scotland withholds, as respects the police of any police authority, his certificate under the Police Act, 1857, that the police of such authority has been maintained in a state of efficiency in point of numbers and discipline during the year ending on the fifteenth day of March then last past, he shall in lieu of directing payment of any sum under the provisions of this Act to such police authority forfeit to the Crown, and shall pay into Her Majesty's Exchequer, and shall charge to the Local Taxation (Scotland) Account such sum as, had the police of such police authority been certified to be efficient, would have been payable towards the cost of the pay and clothing of such police during the said year.

Supplementary provisions as to Local Taxation Account (Scotland).

24.—(1.) The account of the receipts and expenditure of the Local Taxation (Scotland) Account shall be audited as a public account by the Comptroller and Auditor General, in accordance with such regulations as the Treasury may from time to time make.

(2.) If at any time, in any financial year, the moneys standing to the Local Taxation (Scotland) Account are insufficient to meet such sums as the Secretary for Scotland considers proper for the time being to pay thereout, the Secretary for Scotland may borrow temporarily on the security of the said account, and of moneys becoming payable thereto, such sums as he requires for the purpose of meeting such deficiency, and the Bank of England may lend such sums, but all sums so borrowed shall be repaid with the interest thereon during the same financial year out of moneys payable to the said account.

PART III.

Finance.

Property, Funds, and Expenses of County Council.

Transfer of county property and liabilities.

25.—(1.) On and after the appointed day all such property as belongs or would, but for the passing of this Act, belong to or be vested in or held in trust for any authority whose powers and duties are by or in pursuance of this Act transferred to the county council of a county, shall pass to and vest in and be held in trust for such council, subject to all debts and liabilities affecting the same, and shall be held by the county council for the purposes for which such property is or would have been held, so far as such purposes are not modified by this Act; and if any question shall arise as to the heritable or moveable property of any parochial board as the local authority under the Public Health Acts, transferred by this Act, the same, failing agreement, may be determined by the Secretary for Scotland, but such determination shall have effect only until an adjustment by the Boundary Commission under or in pursuance of this Act.

(2.) The county council shall have full power to manage, alter, and enlarge, and, with the consent of the Secretary for Scotland, to alienate the lands and heritages transferred by this section, but shall from time to time provide such accommodation and rooms, and such furniture, books, and other things, for the transaction of the business of the county council, and of the quarter sessions, justices of the peace, and commissioners of supply, as they respectively may from time to time reasonably require.

Provided that—

(*a.*) The existing records of or in the custody of the court of quarter sessions shall, subject to any order of that court, remain in the same custody in which they would have been if this Act had not passed; and

(*b.*) The justices of any county may retain pictures or other property on the ground that the same have been presented to them or otherwise belong to them, and are not held for public purposes of the county, and any difference arising between the county council and the justices with respect to any such retention shall be referred to and determined by the Boundary Commissioners.

Property, funds, and expenses of county council.

26.—(1.) On and after the appointed day all debts and liabilities of any authority whose powers and duties are transferred by or in pursuance of this Act to the county council of a county shall become debts and liabilities of such council, and shall, subject to the provisions of this Act, be defrayed by them out of the like funds out of which they would have been defrayed if this Act had not passed.

(2.) All receipts of the county council from whatever source shall be carried to the county fund, and all payments shall be made in the first instance out of that fund. Such receipts shall be paid into an incorporated or joint stock bank (including any branch thereof) for that purpose appointed by the county council, and such payments shall be made by cheques drawn, as in this Act provided, upon such bank.

(3.) In this Act "general county purposes" means all purposes for which the county council are for the time being authorised by law to incur any expenditure, with the exception of (1) the management and maintenance of highways, (2) the administration of the laws relating to public health, and (3) any special purpose in respect of which the county has been or may be divided into divisions or districts under the provisions of any general or local Act of Parliament or of this Act.

(4.) If the county fund is insufficient to meet the expenditure, rates (in this Act referred to as the owners consolidated rate and the occupiers consolidated rate, and together as the consolidated rates) may be levied to meet such deficiency for general county purposes upon all rateable property in the county, or, in the case of expenditure for the management and maintenance of highways, the administration of the laws relating to public health, or other special purpose as herein-before mentioned, upon all rateable property within the several districts or parishes of the county, as the case may be, in the manner and subject to the conditions in this Act provided.

(5.) The county council shall keep such accounts of the county fund, and of the sums raised by rates, as will prevent a rate being applied to any purpose to which it is not properly applicable.

(6.) The finance committee of the county council appointed under this Act shall prepare annually estimates of the receipts and expenses of the county fund and of the sums required to be raised to meet the deficiency of such fund for the expenditure chargeable thereon.

Rating.—Consolidation of Rates.

Imposition and regulation of the consolidated rates.

27.—(1.) The county council shall annually fix the rate in the pound of the rateable property which will be necessary to meet the deficiency in the county fund in respect of each branch of expenditure subject to its control, or for which it is responsible in whole or in part, and such rate shall be imposed upon all lands and heritages within the county, except that the rate for the management and maintenance of highways, the administration of the laws relating to public health, and any other special purpose as herein-before mentioned, shall be imposed upon all lands and heritages within each division or district or parish, as the case may be. The rate in respect of each branch of expenditure for which provision is made under an Act of Parliament in force at the passing of this Act shall be deemed to be imposed under the powers and subject to the provisions of that Act, except in so far as these are inconsistent with the provisions of this Act. The rate necessary in respect of any branch or branches of expenditure for which no provision is made as last mentioned shall be imposed as a general purposes rate under this Act.

(2.) Subject to the provisions herein-after contained the rates shall be equally divided between owners and occupiers, and the sum of all the rates so fixed and divided shall, as affecting owners and occupiers respectively, constitute the owners consolidated rate and the occupiers consolidated rate, as the case may be, in respect of the lands and heritages situated therein.

(3.) The consolidated rates shall be imposed upon lands and heritages according to the annual value thereof as appearing on the valuation roll, but subject always to the provisions of the Public Health (Scotland) Act, 1867, in regard to all assessments leviable under that Act.

30 & 31 Vict. c. 101.

(4.) Where at the passing of this Act any rate leviable by the commissioners of supply in respect of any such branch of expenditure is payable by owners only, without relief to the extent of one half against the occupiers, the following provisions shall have effect; that is to say,

(i.) As soon as may be after the passing of this Act the sheriff shall ascertain and determine what has been during the ten years previous to the term of Whitsunday immediately preceding the passing of this Act the average amount in the pound of each such rate (in this Act referred to as the average rate), and shall cause his determination (which shall be final) to be recorded in the sheriff court books of the county.

(ii.) When ascertaining and determining the average rate in respect of any such branch of expenditure, the sheriff shall exclude any portion of a rate applicable to the payment of interest and repayment of principal of money borrowed in respect thereof: Provided that, until any money so borrowed shall be wholly repaid, a rate sufficient to provide for the payment of interest and repayment of principal thereof shall be payable by owners only, and shall be included in the owners consolidated rate.

(iii.) Where the rate fixed as herein-before provided by the county council as necessary to meet the deficiency in the county fund in respect of any branch of expenditure does not exceed the average rate determined as aforesaid, such rate shall, as heretofore, be payable by owners only, and shall be included in the owners consolidated rate. But where the rate so fixed by the county council exceeds such average rate, the portion of the rate beyond the average rate shall be payable by owners and occupiers equally. In the demand note the average rate and any increment thereof shall be separately set forth and demanded.

(5.) An outgoing occupier removing from any lands or heritages during the currency of a year for which a rate has been imposed shall have a right of relief against the incoming occupier for the proportion of the rate applicable to the period of the year remaining unexpired at his removal.

PART IV.

Registration.

Registration of county electors.

28. In the year one thousand eight hundred and eighty-nine, and in every third year thereafter, the following provisions shall have effect with respect to the registration of persons (in this Act referred to as county electors) entitled to vote in a county at an election of county councillors, and the Registration Acts shall be amended and shall be read and construed accordingly:—

(1.) Every person registered as a parliamentary elector for a county or division of a county shall be deemed to be registered as a county elector for that county, subject to the provisions following:—

(*a.*) As affecting the right to be a county elector, exemption from or failure to make payment of any consolidated rates shall be a disqualification in the same manner as and in addition to the disqualification arising from exemption from or failure to make payment of poor rate in the case of a parliamentary elector:

(*b.*) For the purpose of the registration of county electors the provisions of the Registration Acts in regard to the demanding payment of poor rate, the intimation of the names of persons exempted from or who have failed to make payment of poor rate, and the relief against erroneous or improper exemption from payment of poor rate, shall be read and construed as if they applied to the consolidated rates as well as to the poor rate, and as if the collector of the consolidated rates were therein named as well as and along with the collector of poor rate:

(*c.*) The assessor shall prefix a distinctive mark to the number or name of any parliamentary elector as appearing in the parliamentary register or lists, if such parliamentary elector shall seem to him to be disqualified in respect of exemption from or failure to make payment of any consolidated rates, or because the qualifying premises are situated within the boundaries of a burgh within the meaning of this Act:

(*d.*) The forms of registers and lists and of notices of claim and objection and the provisions in regard to numbering on the register under the Registration Acts shall be varied so as to make them applicable to the registration of county electors as well as to the registration of parliamentary electors: Provided that the same forms may be made to apply both to parliamentary and county electors:

The assessor shall give notice on the lists published by him of the provisions of sub-section (*g*) herein-after contained and also of the distinctive mark used and to be used in pursuance of sub-section (*c*) of this section:

(*e.*) It shall be lawful to object to the insertion or omission of the distinctive mark in this section mentioned as nearly as may be in the same manner and subject to the same provisions as to appeal and otherwise as in the case of any other entry in or omission from such register and lists:

(*f.*) The provisions contained in sub-sections (*a*) and (*b*) of this section shall not take effect during the year one thousand eight hundred and eighty-nine:

(*g.*) A parliamentary elector to whose number or name as appearing in the parliamentary register the distinctive mark as in this section mentioned is prefixed shall not be deemed to be registered as a county elector, and shall not be entitled to vote at an election of county councillors for the county.

(2.) In the year one thousand eight hundred and eighty-nine, and in every third year thereafter, simultaneously with the preparation of the parliamentary register for a county or division of a county, there shall be prepared by the assessor charged with the preparation thereof a supplementary register (in this Act referred to as the supplementary register) of persons other than parliamentary electors in the county or division entitled to vote in the county at an election of county councillors; and the whole enactments of the Registration Acts which relate to the registration of parliamentary electors for a county including the provisions relating to officers and dates, and to numbering on the register shall, with the necessary alterations of notices and other forms, and other necessary variations extend and apply to the registration of county electors in the supplementary register, subject to the provisions following:—

(*h.*) Every peer otherwise possessing the qualification for being registered as a parliamentary elector, but who is disqualified for being so registered by reason of being a peer, shall nevertheless, subject to the provisions contained in sub-section (*k*) of this section, be entitled to be registered in the supplementary register as a county elector:

(*i.*) Every woman, who is not married, or who being married is not living in family with her husband, otherwise possessing the qualification for being registered as a parliamentary elector, but who is disqualified for being so registered by reason of being a woman, shall, nevertheless, subject to the provisions contained in sub-section (*k*) of this section, be entitled to be registered in the supplementary register as a county elector:

(*j.*) Where the parliamentary boundaries of a burgh do not coincide with the boundaries thereof within the meaning of this Act, every parliamentary elector for a burgh whose qualifying premises are situated beyond the boundaries of the burgh, but within the boundaries of a county, within the meaning of this Act, and every peer and every woman as aforesaid otherwise possessing the qualification for being registered as a parliamentary elector for a county, but who is disqualified for being so registered by reason of being a peer or a woman as aforesaid, whose qualifying premises are situated beyond the boundaries of the burgh, but within the boundaries of a county as aforesaid, shall, subject to the provisions contained in sub-section (*k*) of this section, be entitled to be registered in the supplementary register as a county elector for that county: Provided that, for the purpose of this sub-section, the assessor for the county shall have reasonable access to the schedules and lists of the assessor for the burgh:

(*k.*) As affecting the right to be so registered, exemption from or failure to make payment of any consolidated rates shall disqualify for registration in the same manner as and in addition to exemption from or failure to make payment of poor rate:

(*l.*) The provisions of the Registration Acts in regard to the demanding payment of poor rate, the intimation of the names of persons exempted from or who have failed to make payment of poor rate, and the relief against erroneous or improper exemption from payment of poor rate, shall be read and construed as if they applied to the consolidated rates as well as to the poor rate, and as if the collector of the consolidated rate were therein named as well as and along with the collector of poor rate:

(*m.*) The provisions contained in sub-sections (*k*) and (*l*) of this section shall not take effect during the year one thousand eight hundred and eighty-nine.

(3.) The parliamentary and supplementary registers and lists shall be framed and printed in such parts as that they may be arranged in electoral divisions as fixed under this Act, as well as in parishes and polling districts.

(4.) Where the area (in this section referred to as the parliamentary area) of any county for the purposes of a parliamentary election differs from the area (in this section referred to as the county council area) of the county within the meaning of this Act, the proceedings for the registration of county electors shall be conducted as if the area of the county were for all purposes the parliamentary area: Provided that as soon as the said proceedings are completed the county clerk of the registering county shall transmit to the county clerk of any other county within the meaning of this Act, such copies as he may require of those parts of the county council register which relate to lands and heritages within the parliamentary area of the registering county, but within the county council area of such other county, upon payment of such sum as, failing agreement, shall be determined by the sheriff of either county: Provided also, that such parts of the county council register shall not form part of the county council register of the registering county, but shall form part of the county council register of such other county.

(5.) The parliamentary and supplementary registers shall, subject to the provisions of this Act, together constitute the county council register for the county, and the expense of making up the same shall be added to the expense of making up the parliamentary register, and shall be defrayed and provided for as if they were part thereof: Provided that no part of such additional expense shall be levied on any lands and heritages within a burgh.

(6.) Where a county is divided for the purposes of parliamentary representation, the provisions herein-before contained shall apply, subject to the necessary variations; and the parliamentary and supplementary registers prepared in pursuance thereof for the several parliamentary divisions of the county shall together constitute the county council register for the county.

Special provisions as to service franchise occupiers.

29. Notwithstanding section nine, sub-section (5), of the Representation of the People Act, 1884, there shall be entered in such column and with such heading as the deputy clerk register may approve, in the valuation roll of each county in the manner and subject to the provisions of the Valuation Acts, the annual value of every dwelling-house, the situation or description of which is entered in the said roll under the provisions of section nine, sub-section (2), of the Representation of the People Act, 1884. No person shall be liable to be rated in respect of such entry, but the person rated in respect of the occupancy of the lands and heritages which include such dwelling-house shall be entitled to relief against the person (in this Act referred to as a service franchise occupier) occupying the same under him by virtue of any office, service, or employment, in respect of so much of the occupiers consolidated rate paid by him as is applicable to the amount entered in the valuation roll under the provisions of this Act as the annual value of such dwelling-house:

48 & 49 Vict. c. 3.

Provided that where an arrangement has been made under which a deduction is expressly made in name of rates from the wages or emoluments of any service franchise occupier, this section shall not confer any right of relief as herein-before provided.

PART V.

Election.

Election of councillors in a county.

30. For the purposes of the election of county councils established in pursuance of this Act the following provisions shall have effect; that is to say,

(1.) The election of county councillors in a county shall take place on the first Tuesday of February in the year one thousand eight hundred and ninety, and on the first Tuesday of December in the year one thousand eight hundred and ninety-two, and in every third year thereafter, and shall, subject to the provisions of this Act, be conducted in like manner as an election of town councillors in a burgh divided into wards, and the enactments regulating such an election shall, with the necessary variations, and so far as they are consistent with this Act, extend to counties in like manner as if they were herein re-enacted with the substitution of "county" for "burgh," of "electoral division" or "division" for "ward," of "county clerk" for "town clerk," and of "February" for "November" at the first election in the year one thousand eight hundred and ninety, and of "December" for "November" at every subsequent election, and of the returning officer under this Act for the returning officer at a municipal election.

(2.) At the first election of councillors the returning officer shall be the sheriff, and at all subsequent elections such person as shall be appointed by the county council at their meeting in the month of October preceding the election. If a returning officer dies, resigns, or becomes disqualified, the Secretary for Scotland may appoint a fit person to act in his room. The returning officer, without prejudice to any other power, may, by writing under his hand, appoint a fit person to be his deputy, and may by himself or such deputy exercise any powers and do any things which a returning officer is authorised or required to exercise or do in relation to the election, and shall, for the purposes of the election, have all the powers of the sheriff at a parliamentary election. The returning officer may appoint as a presiding officer any fit person although not possessing any professional status or qualification.

(3.) It shall not be competent to object to a nomination paper that it is not signed by more than two county electors entitled to vote for the candidate nominated.

(4.) The notice of election may be given by the returning officer not later than four o'clock afternoon on the third Tuesday preceding the day of election, and the nomination papers may be lodged with the county clerk at any time not later than four o'clock afternoon on the second Tuesday preceding the day of election.

(5.) Section six of the Ballot Act, 1872, shall apply in the case of elections under this Act, and the returning officer, in addition to using, free of charge, the rooms in that section mentioned for taking the poll, may use the same free of charge for counting votes. 35 & 36 Vict. c. 33.

(6.) All expenses properly incurred by the returning officer or county clerk in relation to the holding of elections of councillors of county councils, so far as not otherwise provided for by law, shall be paid out of the county fund and provided for out of the general purposes rate herein-before mentioned.

The said expenses shall not exceed those allowed by such scale as at the first election the sheriff and at subsequent elections the county council may from time to time frame, subject to the approval of the Secretary for Scotland.

A county council shall, on the request of the returning officer, prior to a poll being taken at an election of a county council, advance to him such sum, not exceeding ten pounds for every thousand electors on the county council register, as he may require.

At the first election under this Act the provisions of this sub-section shall be held to apply to the commissioners of supply and to the county general assessment: Provided that, as soon as may be after such election, the provisional council hereafter mentioned shall repay to the commissioners of supply or arrange with them in regard to any sums paid or advanced by such commissioners under this sub-section.

(7.) The returning officer shall forthwith make a return of the persons elected to the county clerk, and also give notice in writing to the several persons elected of their election, and shall at the same time intimate the time and place of the first meeting of the council. It shall not be necessary for any person to intimate his acceptance of the office of county councillor before such first meeting.

Polling districts.

31. The polling places for the electoral divisions of a county for the purpose of the election of a county council shall be such as at the first election may be appointed in that behalf by the sheriff, and in subsequent elections shall be such as the returning officer may from time to time appoint.

Provided that, if the returning officer shall so determine, the county electors for two or more electoral divisions may, by public notice timeously given, be directed to poll at the same polling place, and such place shall be conveniently situated for the majority of such county electors.

One vote only.

32. No person shall be entitled to give more than one vote, or to vote for more than one candidate, at an election in a county of a county council.

Casual vacancies.

33. Casual vacancies in a county council caused by death, resignation, non-acceptance of office, or disqualification of a councillor not being a councillor elected by a burgh, shall be filled up by the county council: Provided that the person appointed to fill a casual vacancy shall be at the time of his appointment registered as a county elector for the county, and that he shall remain in office so long only as the person in whose room he was appointed would have remained in office.

Double returns.

34. If any person is returned to the county council of any county as representative of more than one electoral division, he shall, at or before the first meeting of the county council after such election, signify in writing to the council his decision as to the division which he desires to represent; and if he fails so to do the county council shall decide as to the division which he shall represent, and upon any such decision being made the office of councillor for the division or divisions which he does not thereafter represent shall be deemed vacant, and a fresh election shall be held.

Election not to be vitiated by technical defect.

35. No election held in pursuance of this Act shall be deemed to be vitiated in consequence of any neglect of any officer to give proper notice of the election, or in consequence of any technical defect in the proceedings which has not been prejudicial to the interests of any party concerned in the election.

36. If, after the first election under this Act, in any case not provided for by this Act a county council of any county is not elected at the time at which it ought to be elected, or an insufficient number of members is elected for such council, the Secretary for Scotland shall by order provide for the holding a fresh election or fresh elections for supplying any such default or insufficiency in election at such times and in such manner as he may think expedient.

Provision in case of no election or insufficient election.

PART VI.

Application of Act to Special Counties and Burghs.

37. With respect to the application of this Act to the county of Lanark, there shall be enacted the provisions following; that is to say,

Application of Act to county of Lanark.

(1.) On and after the appointed day the ninety-second section of the Roads and Bridges (Scotland) Act, 1878, which relates to the county of Lanark is hereby repealed; and in lieu thereof it is enacted that for all the purposes of that Act in connexion with which the county of Lanark is not therein specially named, the lower ward, middle ward, and upper ward of the county of Lanark shall each be deemed and taken to be a district for the purpose of maintaining and managing the highways therein in the like manner as if the said county had been divided into districts under and by virtue of the sixteenth section of that Act; provided that any district for the purposes of maintaining and managing highways shall also be a district for the purpose of the administration of the laws relating to public health, and with power to the council of the said county to further sub-divide the county into districts or to make such other districts as to them may seem proper.

41 & 42 Vict. c. 51.

(2.) Nothing in this Act contained shall be held to repeal or alter the existing divisions of the county of Lanark for the purposes of sheriff court houses as the same are recognised by and enumerated in the twenty-second section of the Sheriff Court Houses Act, 1860.

23 & 24 Vict. c. 79.

(3.) So long as any debt or obligations created and laid upon the county of Lanark by the Prisons (Scotland) Act, 1877, shall remain unpaid and undischarged, but no longer, the existing divisions of the county enacted by the Prisons (Scotland) Administration Acts (Lanarkshire) Amendment Act, 1868, and the Prisons (Scotland) Act, 1877, shall continue.

40 & 41 Vict. c. 53.

31 & 32 Vict. c. 50.

(4.) The chairman of the county road trustees in the one hundred and ninth section of this Act mentioned shall in the case of the county of Lanark mean the chairman of the county road trustees of the county for all the purposes of the Roads and Bridges (Scotland) Act, 1878, in connexion with which the county is in the said Act specially named.

(5.) Sub-section five of section eighty-nine of the Roads and Bridges (Scotland) Act, 1878, shall not apply to any of the purposes of this Act, except the purposes of the last-mentioned Act.

(6.) The respective county road clerks and treasurers of the county of the lower ward of Lanark, the county of the middle ward of Lanark, and the county of the upper ward of Lanark, in office at the appointed day, shall, for the purposes and subject to the provisions of this Act, be deemed to be the clerks and treasurers of the said several districts into which such ward counties have by this Act been constituted.

(7.) The burgh of Coatbridge, in the county of Lanark, as constituted and described in the Coatbridge Act, 1885, shall for all the purposes of this Act be deemed to be a royal burgh.

Application of Act to Orkney and Zetland.

38. With respect to the application of this Act to the county of Orkney and lordship of Zetland, there shall be enacted the following provision; that is to say,

For the purposes of this Act Orkney and Zetland shall be separate counties.

Application of Act to county of Ross and Cromarty.

39. With regard to the counties of Ross and Cromarty, there shall be enacted the provisions following (that is to say):—

(1.) From and after the passing of this Act, the counties of Ross and Cromarty shall cease to be separate counties, and shall be united for all purposes whatsoever, under the name of the county of Ross and Cromarty.

(2.) The whole provisions of this Act, and of every other Act which, but for the provisions of this section, would have had effect in regard to the county of Ross and the county of Cromarty shall, with the necessary variations, be read and have effect in regard to the county of Ross and Cromarty, and a county council shall be elected for that county, which shall have, discharge, and be subject to the whole rights, powers, duties, and liabilities which, but for the provisions of this section, would have belonged to and rested on the county councils of the separate counties herein-before mentioned.

(3.) It shall be lawful for Her Majesty the Queen, by letters patent, to revoke the grant of a court of quarter sessions and the grant of a commission of the peace for the separate counties of Ross and Cromarty, and to grant a court of quarter sessions and to grant a commission of the peace for the county of Ross and Cromarty, and to make such provision as to Her Majesty seems proper for the protection of interests existing at the date of the revocation; and all enactments, laws, and usages with respect to justices and quarter sessions in any county in Scotland shall apply to the justices and quarter sessions of the county of Ross and Cromarty.

(4.) The present lieutenant of the county of Ross shall become lieutenant of the county of Ross and Cromarty, and after his death or resignation it shall be lawful for Her Majesty from time to time to appoint a lieutenant of the county of Ross and Cromarty; and the Acts relating to the general and local militia of the rest of Scotland shall apply to the said county as to any other county.

(5.) The existing commissioners of supply, income tax commissioners, deputy lieutenants, and justices of the peace for the county of Ross and the county of Cromarty shall, without any new appointment, become commissioners of supply, income tax commissioners, deputy lieutenants, and justices of the peace for the county of Ross and Cromarty, and if they have duly qualified according to law they may act without again qualifying.

(6.) The existing officers of the county of Ross and the county of Cromarty shall be deemed to be existing officers of the county of Ross and Cromarty, subject to the provision that the clerk of supply of the county of Ross shall be deemed to be the clerk of supply of the county of Ross and Cromarty.

(7.) For the purposes of the county of Ross and Cromarty, section one hundred and nine of this Act shall be read and construed as if it referred to the persons who are at the passing of this Act lieutenant of the county of Ross, convener of the county of Cromarty, chairman of the county road trustees of Ross and Cromarty, and chairman of the local authority of the county of Ross under the Contagious Diseases (Animals) Act, 1878.

41 & 42 Vict. c. 74.

Application of Act to county of Dumbarton.

40. With respect to the application of this Act to the county of Dumbarton, the parishes of Cumbernauld and Kirkintilloch, including the burghs and police burghs situate therein, shall for the purposes of this Act, be considered as forming part of the county of Dumbarton.

Provided that the county councils of the counties of Dumbarton and Stirling may make agreements as to the adjustment of any property, income, debts, or liabilities affected by the transference of the maintenance and management of the highways within the said parishes to the county of Dumbarton, and in default of such agreement such adjustment shall be made by the Boundary Commissioners under the provisions of this Act.

Application of Act to counties of Aberdeen, Banff, and Elgin.

41. Whereas in the local Acts of Parliament relating to highways in the counties of Aberdeen and Banff and Elgin respectively special provisions were made for including within the county of Aberdeen, for the purposes of those Acts, certain portions of the county of Banff, viz., the parishes of Gamrie and Inverkeithney and parts of the parishes of Alvah and Rothiemay, and also for including in the county of Banff certain portions of the county of Elgin, viz., parts of the parishes of Bellie, Boharm, Keith, and Inveravon; and whereas the Aberdeenshire Roads Act, 1865, makes provision for proprietors redeeming the assessment for the extinction of certain road debts, the provisions following shall have effect; (that is to say,)

(*a.*) Notwithstanding anything in this Act contained, the counties of Aberdeen and Banff respectively shall, for all the provisions of this Act in regard to the administration of the laws relating to highways and to the administration of the laws relating to public health, be deemed to include those portions of the counties of Banff and Elgin respectively herein-before mentioned.

(*b.*) The councillors elected for the respective electoral divisions of the county of Banff in which are situate the parishes or parts of the parishes of that county in this section before mentioned shall, with regard to the provisions of this Act for the administration of the laws relating to highways and for the administration of the laws relating to public health, have and exercise all the powers and duties of county councillors in the county of Aberdeen.

(*c.*) The councillors elected for the respective electoral divisions of the county of Banff in which are situate the said parishes of Gamrie and Inverkeithney shall not, with regard to the provisions of this Act for the administration of the laws relating to highways and to public health, have or exercise the powers and duties of county councillors in the county of Banff.

(*d.*) The councillors elected for the respective electoral divisions of the county of Elgin in which are situate the parts of the parishes of that county in this section before mentioned shall, with regard to the provisions of this Act for the administration of the laws relating to highways and to public health, have and exercise all the powers and duties of county councillors in the county of Banff.

(*e.*) Every proprietor who, or whose predecessor in virtue of section forty-five of the Aberdeenshire Roads Act, 1865, has redeemed the assessment therein mentioned and freed and released lands therefrom, shall be entitled to claim and receive from the county council of the county of Aberdeen the same exemption from said assessment which he at the passing of this Act is entitled to claim and receive from the county road trustees of said county.

(*f.*) Without prejudice to the provisions of sections twenty-five and twenty-six of this Act, nothing contained in this Act shall affect or abrogate the provisions of sections forty-one and forty-two of the Elgin and Nairn Roads and Bridges Act, 1863, and section sixty-two of the Banffshire Roads Act, 1866, except so much of the forty-first section of the last-mentioned Act as provides for a ferry and boats and barges, and authorises the collection of any tolls, and the said sections shall with the necessary variations apply after the appointed day to the county councils of the counties of Banff and Elgin respectively in the same manner as they apply at the passing of this Act to the county road trustees of the said counties. If any question shall arise as to the application of this sub-section it may be determined by the Secretary for Scotland.

(*g.*) Nothing in this section contained shall affect or limit the powers and duties of the Boundary Commissioners or of the Secretary for Scotland under this Act.

Provision as to county of Fife.

42. With respect to the application of this Act to the county of Fife, there shall be enacted the following provision, namely: The Act fifth and sixth William the Fourth, chapter sixty, intituled "An Act for providing in or near the burgh of Cupar more "extensive accommodation for holding the courts and meetings of "the sheriff, justices of the peace, and commissioners of supply "of the county of Fife, and for the custody of the records of the "said county," and the Act tenth Victoria, chapter thirty-two, known as the "Dunfermline and Cupar Court Houses Act, 1847," are hereby repealed, and all the powers and rights conferred by said Acts, and the duties, obligations, and liabilities imposed by said Acts or otherwise upon the commissioners for whose appointment said Acts provide, and all lands, buildings, funds, effects, and property of whatever description belonging to or vested in said commissioners, and all debts and obligations of whatever nature of said commissioners, are hereby transferred to the county council of the county of Fife.

Provision as to certain burghs.

43. Wherever a royal burgh or police burgh, or part thereof, is included within the parliamentary area of a burgh, it shall nevertheless be deemed to be a separate burgh or police burgh for the purposes of this Act, having for these purposes the boundaries fixed or ascertained for police purposes under any general or local Act of Parliament.

PART VII.

Appointment of Boundary Commissioners and Simplification of Areas.

As to Boundaries of Counties, &c.

Boundaries of counties.

44. For the purposes and subject to the provisions of this Act, and except so far as varied by an order made under this Act, as herein-after mentioned the following provisions shall have effect:—

(*a.*) From and after the passing of this Act, counties shall have the contents and boundaries which they respectively have, or in the case of counties still subject to local Acts of Parliament regulating highways will have, after the appointed day for the purposes of the Roads and Bridges (Scotland) Act, 1878; and

(*b.*) The boundaries of burghs for the purposes of this Act shall be held to be the boundaries thereof as the same are or may be ascertained, fixed, or determined for police purposes under the provisions contained in any general or local Act of Parliament, or when no police assessment is levied as the same are or may be ascertained, fixed, or determined for municipal purposes: Provided that police burghs shall not in any case be deemed to be burghs for the purposes of this Act except for the purposes of and subject to the provisions of the Roads and Bridges (Scotland) Act, 1878.

41 & 42 Vict. c. 41.

(*c.*) If any question arises as to whether a part of a county is detached or as to the county with which the part has the longest common boundary, or as to the county with which a burgh has the longest common boundary, the sheriff in the year one thousand eight hundred and eighty-nine, and thereafter the Boundary Commissioners, may by order determine the question.

Constitution of Boundary Commission.

45.—(1.) For the purposes of this Act respecting the formation of electoral divisions, and also so far as expedient for the purpose of regulating the boundaries of counties, and making the boundaries of burghs and parishes coincide with those of counties, and for dealing with detached parts of counties or parishes, the following persons; that is to say, James Arthur Crichton, Esquire, Sheriff of the Lothians, the Honourable Thomas Henry William Pelham, and Colonel Edward Donald Malcolm, C.B., Royal Engineers (of whom the first named shall be chairman), are constituted Commissioners under this Act; and if any vacancy occurs in the office of the chairman or any Commissioner by reason of death, resignation, incapacity, or otherwise, it shall be lawful for Her Majesty, under Her Royal Sign Manual, to appoint some fit person to fill the vacancy, and so from time to time as often as occasion requires.

(2.) The Commissioners appointed under this Act shall be styled "The Boundary Commissioners for Scotland," and are elsewhere in this Act referred to as the Boundary Commissioners or the Commissioners, and shall have a common seal, of which judicial notice shall be taken by all courts of justice, and any order or other instrument purporting to be sealed with it shall be received as evidence without further proof.

(3.) The Boundary Commissioners may from time to time, by order under their hand, require any public officer to produce to them any maps, plans, or other public documents in his possession or under his control which such Commissioners may consider necessary for the execution of their duties under this Act.

(4.) The powers of the Boundary Commissioners shall commence immediately after the first election of county councillors under this Act and shall be exercised within two years next after such commencement.

(5.) Any power or act by this Act vested in or authorised to be done by the Boundary Commissioners may be exercised or done by any two of them.

(6.) An act or proceeding of the Boundary Commissioners shall not be invalid by reason only of any vacancy in their body.

Appointment of officers. Salaries and expenses.

46.—(1.) The Boundary Commissioners may from time to time, with the assent of the Treasury as to number, appoint or employ assistant commissioners, a secretary, and such number of other officers and persons as they may think necessary for the purpose of enabling them to carry into effect the provisions of this Act, and the Boundary Commissioners may remove any person so appointed or employed.

(2.) There shall be paid to the Boundary Commissioners under this Act, and to their assistant commissioners, secretary, officers, and persons, such salaries or remuneration as the Treasury may assign, and those salaries and remuneration and all expenses of the Boundary Commissioners incurred with the sanction of the Treasury in the execution of this Act shall be paid out of moneys provided by Parliament.

Settlement of electoral divisions.

47.—(1.) The Boundary Commissioners shall proceed as soon as may be after such commencement as in this part of this Act mentioned to inquire into the circumstances of every county, and shall by order determine the contents and boundaries of the electoral divisions, and shall, so far as seems practicable, adopt, for the purpose of forming such electoral divisions, parishes or groups of parishes and police burghs, or if they find it necessary to divide a parish or police burgh or to group parishes or parts of parishes into two or more electoral divisions, they shall not have power to include any portions of two or more districts formed under the provisions of this Act in one electoral division. The Boundary Commissioners in determining such electoral divisions shall have regard to the annual value of the lands and heritages therein as appearing on the valuation roll, to the area thereof, and to the population thereof, and the distribution and pursuits of such population, so as to make the representation on the county council of the electoral divisions and burghs approximately equal, but subject always to the provisions of this Act.

(2.) Before making an order under this section the Boundary Commissioners shall consult with the authorities concerned, and shall cause the proposed order to be published in the Edinburgh Gazette and in such other manner as to make the same known to all persons interested, and shall consider all objections and representations respecting such order, and shall thereafter make the order and cause the same to be forthwith published in the Edinburgh Gazette, and once in each of two successive weeks in some one and the same newspaper circulating in the district.

Temporary provisions in regard to electoral divisions, &c. at first election of county councillors.

48.—(1.) As a temporary provision for the purposes of the first election of county councillors under this Act the sheriff shall divide the county into electoral divisions, and in doing so shall have regard as far as may be to the provisions contained in section forty-four and sub-section (1) of the immediately preceding section of this Act.

(2.) The sheriff shall make an order under this section for each county, and shall transmit the order to the sheriff clerk and to the clerk of supply before the twentieth day of September next after the passing of this Act, and shall cause the same to be forthwith published in the Edinburgh Gazette and once in each of two successive weeks in some one and the same newspaper circulating in the district.

(3.) The temporary provisions aforesaid shall take effect from and after their publication as aforesaid, and shall cease to have effect immediately after the first election of county councillors under this Act.

(4.) All expenses properly incurred by the sheriff under this section shall be deemed to be part of the expense of making up the register of county electors, and be defrayed and provided for accordingly.

Powers and duties of Boundary Commissioners.

49.—(1.) The Boundary Commissioners shall proceed as soon as may be after such commencement as in this part of this Act mentioned to inquire into the circumstances of the counties, burghs, and parishes, and detached parts of counties and parishes, and shall frame orders for dealing with such counties, burghs, parishes, and detached parts, so that each burgh and parish, if the Commissioners shall in the whole circumstances of the case deem it necessary or expedient, may be within a single county, and that no part of a county or parish be detached therefrom, and such orders may provide for such alteration of boundaries, whether of the county or of any other area, as may seem necessary for the said purpose, and such alteration shall have effect for all purposes, whether county council, justices, sheriff, militia, parochial board, school board, local authority, or other, save as herein-after provided.

(2.) The Commissioners before framing any order shall communicate with such of the authorities, whether sheriffs, quarter sessions, county councils, town councils, police commissioners, parochial boards, school boards, local authorities, or others, as appear to them to be concerned, and when they have framed a draft order shall cause the same to be communicated to such of the said authorities as appear to them to be concerned and to be published, and shall consider any objections or suggestions made in relation to such order within one month after such communication or publication.

(3.) The Boundary Commissioners may finally make such order and publish it in the Edinburgh Gazette and bring it before Her Majesty, and subject as herein-after mentioned, it shall be lawful for Her Majesty in Council to confirm such order, and thereupon the order shall have effect as if enacted by Parliament.

(4.) Provided that if within one month after such publication of the order, any of the authorities affected by the order petition Her Majesty in Council to cause the order to be laid before Parliament, and such petition is not withdrawn or if the Secretary for Scotland recommends that the order shall be laid before Parliament, the order of the Boundary Commissioners shall be deemed to be a provisional order, and shall be of no effect unless confirmed by Parliament.

(5.) The Secretary for Scotland may introduce a Bill confirming any such provisional order, and if any petition is presented against such order, the Bill, so far as it relates to the order petitioned against, shall be deemed to be, and the petitioners shall be allowed to appear and oppose as in the case of, a private Bill.

(6.) An order of the Boundary Commissioners as in this section mentioned may provide for all or any of the following matters, that is to say,—

(*a.*) may provide for the abolition, restriction, establishment, or extension of the jurisdiction of any authority in or over any part of the area affected by the order, and for the adjustment or alteration of the boundaries of such area, and for the constitution of the authorities therein, and may deal with the powers and rights of authorities therein and with any offices therein, and may determine the status of any such area as a component part of any larger part, and for the election of representatives in such area;

(*b.*) may make temporary provision for meeting the debts and liabilities of the various authorities affected by the order, and for the management of their property;

(*c.*) may provide for all matters which appear to the Commissioners necessary or proper for giving full effect to the order.

When an order under this Act has taken effect, the Boundary Commissioners may provide for the adjustment and disposal of the property, debts, and liabilities of the various authorities affected by the order, and for the settlement of differences arising out of the order.

Adjustment of property and liabilities.

50.—(1.) Any councils and other authorities affected by this Act, or by any order, or other thing made or done in pursuance of this Act, may from time to time make agreements for the purpose of adjusting any property, income, debts, liabilities, and expenses, of the parties to the agreement, so far as affected by this Act, or such order, or thing, and the agreement, and any other agreement authorised by this Act to be made for the purpose of the adjustment of any property, debts, liabilities, or financial relations, may provide for the transfer or retention of any property, debts, and liabilities, with or without any conditions, and for the joint use of any property, and for the transfer of any duties, and for payment by either party to the agreement in respect of property, debts, duties, and liabilities so transferred or retained, or of such joint use, and in respect of the salary, remuneration, or compensation payable to any officer or person, and that either by way of a capital sum or of an annual payment.

(2.) In default of an agreement as to any matter requiring adjustment for the purposes of this Act, then, if no other mode of making such adjustment is provided by this Act, such adjustment may be made or determined by the Commissioners.

(3.) The Commissioners when making an adjustment under this Act shall be deemed to be a single arbiter within the meaning of the Lands Clauses Consolidation (Scotland) Act, 1845, and the Acts amending the same, and the provisions of those Acts with respect to an arbitration shall apply accordingly; and, further, the Commissioners may state a special case on any question of law for the opinion of either Division of the Inner House of the Court of Session, who are hereby authorised finally to determine the same along with any question of expenses.

8 & 9 Vict. c. 19.

(4.) The payment of any sum required to be paid for the purpose of any adjustment or of any award or order made by the Commissioners may be made out of the county fund or out of the funds of any burgh, as the case may be, or shall be a purpose for which a county council may borrow under this Act, or a town council may borrow under any general or local Act, and the powers of borrowing conferred on any town council by any such Act are hereby extended accordingly.

(5.) Any capital sum paid to any county council or town council for the purpose of any adjustment, or in pursuance of any order or award of the Commissioners under this Act, shall be treated as capital, and applied, with the sanction of the Secretary for Scotland, either in the repayment of debt, or for any other purpose for which capital money may be applied.

As to subsequent Alteration of Boundaries, &c.

Alteration of boundaries, simplification

51. On the representation of a county council or of a town council the Secretary for Scotland may at any time after the expiry of areas, &c. by provisional order.

of the powers of the Boundary Commissioners by order provide for all or any of the following things:—

(*a.*) For altering the number of county councillors, the number, contents, and boundaries of electoral divisions, and the assignment of county councillors to counties and burghs;

(*b.*) For altering the boundaries of the county;

(*c.*) For altering the boundaries of any burgh or of any parish situate or partly situate in the county;

(*d.*) For uniting several parishes or parts of parishes into one parish, or annexing one or more of such parish or parishes or parts of parishes to a larger parish; and any parish so formed by a union of parishes or parts of parishes, or enlarged by annexation, shall for all purposes be deemed to be one parish;

(*e.*) For dividing any parish in the county which by reason of its inconvenient extent, or by reason of its forming part of, or having within its boundaries, or lying partly within or partly without a burgh, or a police burgh, it seems expedient to divide, and for uniting all or any of such sub-divisions of the parish with other parishes;

(*f.*) For the proper adjustment and distribution of the powers, property, liabilities, debts, officers, and servants of any local authority, consequential on any consolidation, alteration of boundaries, or other act done in pursuance of this section; and

(*g.*) Generally for doing any matter or thing whatever, whether similar or not to those above mentioned, which may be required or be expedient for the proper carrying into effect the purposes of this Act and the settlement of local differences:

Provided as follows:—

(i.) An order under sub-section (*a*) of this section shall not be made unless after the date of any previous order determining the matters therein mentioned there shall have occurred a material change of circumstances in respect of the population and annual value of the counties, burghs, or electoral divisions concerned in such order;

(ii.) If an order under this section alters the boundaries or contents of any county, burgh, or parish it shall be provisional only, and shall not have effect unless confirmed by Parliament; and

(iii.) Provision shall be made in any order under this section for preserving the rights of creditors and all persons having vested interests, and whose rights would otherwise be affected by any alteration made in pursuance of this section;

(iv.) This section shall be in addition to, and not in derogation of, any provisions in force at the passing of this Act in respect of the union, disjunction, or erection of parishes.

PART VIII.

Supplemental.

Provisions as to Powers of Council.

Power to appoint medical officer and

52.—(1.) The council of every county shall appoint and pay a medical officer or medical officers and a sanitary inspector or sanitary inspectors, who shall not hold any other appointment or engage in private practice or employment without express written consent of the council.

sanitary inspector for county.

(2.) The county council and any district committee, as the local authority under the Public Health Acts, may from time to time make and carry into effect arrangements for rendering the services of such officer or officers regularly available in the district of the district committee, on such terms as to the contribution by the district committee to the salary of any medical officer or sanitary inspector, or otherwise, as may be agreed, and the medical officer or sanitary inspector shall have within such district all the powers and duties of a medical officer or sanitary inspector appointed by a district committee.

(3.) So long as such an arrangement is in force, the obligation of the district committee as the local authority under the Public Health Acts to appoint a medical officer or sanitary inspector shall be deemed to be satisfied without the appointment of a separate medical officer or sanitary inspector.

Medical officer, &c. to send reports to county council, &c.

53.—(1.) Every medical officer and sanitary inspector under the Public Health Acts for a district in any county shall send to the county council a copy of every report of which a copy is for the time being required by the regulations of the Board of Supervision (which they are hereby authorised to make) to be sent to that Board.

(2.) If it appears to the county council that the Public Health Acts have not been properly put in force within any district, or that any other matter affecting the public health of the district requires to be remedied, the council may cause a representation to be made to the Board of Supervision on the matter.

Qualifications of officers, &c.

54.—(1.) No person shall hereafter be appointed the medical officer of any county or district or parish, unless he is a registered medical practitioner.

(2.) No person shall after the first day of January one thousand eight hundred and ninety-three be appointed the medical officer under the Public Health Acts for a county or district or parish which contained, according to the last published census for the time being, a population of thirty thousand or upwards, unless he is qualified as above mentioned, and also is registered on the Medical Register as the holder of a diploma in sanitary science, public health, or State medicine under section twenty-one of the Medical Act, 1886.

49 & 50 Vict. c. 48.

(3.) No person shall, except with the express consent of the Board of Supervision, be appointed as the sanitary inspector for a county unless he has been during the three consecutive years preceding his appointment the sanitary inspector of a local authority under the Public Health Acts.

(4.) Every medical officer and every sanitary inspector appointed under this Act or under the Public Health Acts shall be removable from office only with the sanction of the board of supervision.

Power to county council to enforce

55.—(1.) On and after the appointed day a county council shall have power, in addition to any other authority, to enforce the pro-

provisions of 39 & 40 Vict. c. 75.

visions of the Rivers Pollution Prevention Act, 1876 (subject to the restrictions in that Act contained), in relation to so much of any stream as is situate within, or passes through or by, any part of their county, and for that purpose they shall have the same powers and duties as if they were a sanitary authority within the meaning of that Act, or any other authority having power to enforce the provisions of that Act, and the county were their district.

(2.) Any county council shall have power to contribute towards the expenses of any prosecution under the said Act instituted by any other county council or by any sanitary authority.

(3.) The Secretary for Scotland, by provisional order made on the application of the council of any of the counties and burghs concerned, may constitute a joint committee or other body representing all the counties and burghs through or by which a river, or any specified portion of a river, or any tributary thereof, passes, and may confer on such committee or body all the powers of a sanitary authority under the Rivers Pollution Prevention Act, 1876, or such of them as may be specified in the order, and the order may contain such provisions respecting the constitution and proceedings of the said committee or body as may seem proper, and may provide for the payment of the expenses of such committee or body by the counties and burghs represented by it, and for the audit of the accounts of such committee or body, and their officers.

A provisional order made under this section shall be of no effect until it is confirmed by Parliament.

Council to have power to oppose Bills in Parliament, &c.

56. The council of a county shall have the same powers of opposing Bills in Parliament, and of prosecuting or defending any legal proceedings necessary for the promotion or protection of the interests of the county, as are conferred by the Act of the thirty-fifth and thirty-sixth years of Her present Majesty, chapter ninety-one; and, subject as herein-after provided, the provisions of that Act shall extend to a county council as if such council were included in the expression "governing body," and the county were the district in the said Act mentioned.

Provided that—

(*a.*) No consent of owners and ratepayers shall be required for any proceedings under this section:

(*b.*) This section shall not empower a county council to promote any Bill in Parliament, or to incur or charge any expense in relation thereto, save only a Bill for confirming a Provisional Order made under or in pursuance of the provisions of any Act of Parliament:

(*c.*) The consent of the Secretary for Scotland shall be substituted for the consent of the Secretary of State or Local Government Board.

Byelaws.

Power of county councils to make byelaws.

57.—(1.) The council of a county may from time to time make such byelaws as to them seem meet for the administration of the affairs of the county, for the prevention of vagrancy, and for prevention and suppression of nuisances not already punishable in a summary manner by virtue of any Act in force throughout the county, and may thereby appoint such penalties, not exceeding in any case five pounds, as they deem necessary for the punishment of offences against the same.

(2.) Such a byelaw shall not be made unless at least two thirds of the whole number of the council are present.

(3.) Such a byelaw shall not come into force until the expiration of forty days after a copy thereof has been fixed on the doors of the county buildings, and of all the parish churches and public schools within the county, and has been advertised in one or more newspapers circulating in the county.

(4.) Such a byelaw shall not come into force until the expiration of forty days after a copy thereof signed by the county clerk has been sent to the Secretary for Scotland; and if within those forty days the Secretary for Scotland disallows the byelaw or part thereof, the byelaw or part disallowed shall not come into force; but it shall be lawful for the Secretary for Scotland, at any time within those forty days, to enlarge the time within which the byelaw shall not come into force, and in that case the byelaw shall not come into force until after the expiration of that enlarged time.

(5.) A byelaw made under this section shall not be of any force or effect within any burgh or police burgh unless it has been made with the consent of the town council of such burgh, or the commissioners of police of such police burgh.

(6.) The production of a written or printed copy of a byelaw made by a county council under this Act, if authenticated by the signature of the county clerk, shall, until the contrary is proved, be sufficient evidence of the due making and existence of the byelaw, and, if it is so stated in the copy, of the byelaw having been approved and confirmed by the Secretary for Scotland, or having been made with the consent of the town council of any burgh or police commissioners of any police burgh therein named.

Provided that all byelaws with reference to any of the matters aforesaid now in force within any county shall remain in force until new byelaws have been made under the provisions of this section.

Regulations relating to bicycles, &c. 41 & 42 Vict. c. 51. 25 & 26 Vict. c. 101.

58.—(1.) The provisions of the Roads and Bridges (Scotland) Act, 1878, and the General Police and Improvement (Scotland) Act, 1862, in so far as they give power to make byelaws regulating the use of carriages herein referred to, and all other provisions of any public or private Acts in so far as they give power to any local authority to make byelaws for regulating the use of bicycles, tricycles, velocipedes, and other similar machines are hereby repealed, and bicycles, tricycles, velocipedes, and other similar machines are hereby declared to be carriages within the meaning of the said Acts; and the following additional regulations shall be observed by any person or persons riding or being upon such carriage;

(*a.*) During the period between one hour after sunset and one hour before sunrise every person riding or being upon such carriage shall carry attached to the carriage a lamp which shall be so constructed and placed as to exhibit a light in the direction in which he is proceeding, and so lighted and kept lighted as to afford adequate means of signalling the approach or position of the carriage;

(*b.*) Upon overtaking any foot passenger or cart or carriage, or any horse, mule, or other beast of burden, being on or proceeding along the carriage way, every such person shall within a reasonable distance from and before passing such foot passenger, cart or carriage, horse, mule, or other beast of burden, by sounding a bell or whistle, or otherwise, give audible and sufficient warning of the approach of the carriage:

(2.) Any person summarily convicted of offending against the regulations made by this Act shall for each and every such offence forfeit and pay any sum not exceeding forty shillings.

Provisions as to Transfer.

Members of local authority under Contagious Diseases (Animals) Acts to cease to hold office.

59. From and after the appointed day all enactments in regard to the qualification and appointment of members of the local authority for a county under the Contagious Diseases (Animals) Acts shall be repealed, and all existing members of such local authority shall cease to hold office. The county council shall become the said local authority and the convener of the county shall be the chairman and the county clerk shall be the clerk of such authority without any further appointment or remuneration.

Where the parliamentary area of a county or burgh differs from its area within the meaning of this Act, the Secretary for Scotland may determine which shall be the administrative and rating authority under the Contagious Diseases (Animals) Acts in any portion of such area, and his determination shall, subject to the provisions of this Act, have the same force and effect as if it were enacted in this Act: Provided that such determination shall not limit the powers of the Boundary Commissioners under this Act.

Further arrangements with burghs, &c. under 7,000.

60. In order to give effect to the provisions contained in sections thirteen and fourteen of this Act with respect to the burghs and police burghs therein referred to, the following further provisions shall have effect:

(1.) The county council and the town council or police commissioners of any such burgh or police burgh, as the case may be, may make agreements for the purpose of adjusting any property, income, debts, liabilities, and expenses, so far as affected by this Act, in manner and to the effect herein-after provided:

(2.) In case of any inability to agree upon any matter requiring adjustment for the purpose of this Act, the Boundary Commissioners herein-before appointed, and after the expiry of the powers of the Boundary Commissioners the Secretary for Scotland, on the application of either party, may by order make the adjustment in the manner and to the effect herein-before provided:

(3.) Every such burgh shall contribute to the county fund in aid of the expenditure thereout for the administration of the police and of the Contagious Diseases (Animals) Acts, or for the latter purpose only, as the case may be:

(4.) For the purpose of every such contribution the rateable property of the burgh, as appearing on the valuation roll of the burgh, shall be included in the rateable property of the county, and the item of the consolidated rates applicable to the expenditure in the immediately preceding sub-section mentioned shall be ascertained and fixed accordingly as if such burgh were one of the parishes in the county; but the amount of the contribution apportioned to the burgh shall not be assessed by the county council on the several lands and heritages in such burgh, but shall be paid by the town council out of the police assessment, or, if there is no police assessment, out of any other assessment imposed and levied therein or out of the common good of such burgh:

(5.) The lands and heritages within any such police burgh shall be assessed by the county council in respect of the expenditure on the administration of the police and of the Contagious Diseases (Animals) Acts in the same manner as other lands and heritages within the county.

Summary proceeding for determination of questions as to transfer of powers.

61. If any question arises or is about to arise as to whether any business, power, duty, or liability is or is not transferred to any county council or joint committee, or district committee under this Act, that question, without prejudice to any other mode of trying it, may on the application of the county council or other authority concerned, or of the clerk of the peace, be submitted for decision to either division of the Inner House of the Court of Session in a summary way; and the court, after hearing such parties, and taking such evidence (if any) as it thinks just, shall decide the question, and such decision shall be final.

Provisions as to Rating.

Levy of consolidated rates.

62. The following provisions shall be made with respect to the levy of the consolidated rates; that is to say,

(1.) All rates imposed by the county council shall be deemed and taken to be for the year (in this Act referred to as the local financial year) from the fifteenth day of May preceding the date of imposing the same, and shall be made payable on or before a day to be fixed by the council not being earlier than the first day of November then ensuing.

(2.) The demand note shall set forth the several branches of expenditure in respect of which the consolidated rates are imposed and the amount in the pound applicable to each several branch, and shall state the amount to be paid by the person named in the note and the manner and time of appealing against and paying such amount and such other particulars as shall be prescribed.

(3.) The county council shall make regulations in regard to the lodging and hearing of appeals against rates, and shall hear any appeals lodged in accordance therewith.

(4.) The county council may relieve from payment of any rate any occupier of lands and heritages under the annual value of four pounds as appearing on the valuation roll on the ground of poverty, but only on application by such occupier; but no lands or heritages shall be exempted from assessment on the ground that they are under the said annual value, or are or have been during the period of assessment unoccupied and unfurnished, except in respect of the amount payable by the occupier.

(5.) The whole powers and rights of issuing summary warrants and proceedings, and all remedies and provisions enacted for recovery of the land and assessed taxes, or either of them, and other public taxes, shall be applicable to the rates by this Act authorised to be imposed by the county council of any county, and sheriffs, justices of the peace, and other judges may, on the application of the county clerk or collector, grant warrant for the recovery of such rates and expenses, in the like form and under the like penalties as are provided in regard to such land and assessed taxes and other public taxes: Provided, nevertheless, that it shall be competent to the council to prosecute for and recover such rates by action in the sheriff small debt court, or in any other court, as the case may be, and that in any summons, complaint, petition, or action for the recovery of such rates more than six defenders may be cited and called, any law or practice to the contrary notwithstanding; and all rates imposed under any powers transferred or conferred by this Act shall, in the case of bankruptcy or insolvency or liquidation, be preferable to all debts of a private nature due by the parties assessed.

Power to modify regulations as to rating.

63. In any case in which it shall happen that, by reason of the special enactments regulating the rating in any division or district of a county, the provisions contained in this Act cannot conveniently receive effect without modification or addition, the county council may by regulations make such modification or addition, and such regulations shall have effect as if they were contained in this Act. But no such regulations shall be made unless public notice of their purport has been previously given by advertisement in two successive weeks in some local newspaper circulating in the district to which such regulations relate, and also in the Edinburgh Gazette.

Provided that such regulations shall have no effect until they have been confirmed by the sheriff after such publication and inquiry as he shall think necessary.

Inspection of assessment roll.

64. Any ratepayer and any officer of Inland Revenue may, at any reasonable hour and subject to any regulations made by the county council, inspect the assessment roll, and any estimate made previously thereto, and may take copies thereof, or extracts therefrom, without fee; and whosoever, having the custody of such estimate or roll, refuses to allow or does not permit such inspection to be made, or such copies or extracts to be taken, shall for every such offence be liable to a penalty not exceeding five pounds.

Assessment roll to be evidence.

65. The production of the assessment roll made under this Act shall alone, and without any other evidence whatsoever, be received as primâ facie evidence of the making and validity of the rates therein mentioned.

Burgh Contributions.

66. The county council annually, and not later than the month of October in each year, shall cause a requisition to be sent to the town council of any burgh, requiring them to pay the sum or sums which under the provisions of this Act they are liable to contribute to the county fund in aid of the expenditure thereout for the purposes set forth in the requisition; and the town council shall, on or before the fifteenth day of January next ensuing, pay to the county council the said sum or sums without any deduction whatever.

Requisition for and payment of burgh contributions to county fund.

Borrowing.

67.—(1.) The county council may from time to time, with the consent in writing (signed by two members and the county clerk) of the standing joint committee appointed in pursuance of this Act, borrow on the security of any rate leviable by the council under or in pursuance of this Act or of any other Act, such sums as may be required for the following purposes, or any of them; that is to say,

Borrowing by county council.

(*a.*) For any purpose for which any authority whose powers and duties are by or in pursuance of this Act transferred to the county council were, at the passing of this Act, authorised to borrow;

(*b.*) For any purpose for which the county council is expressly authorised to borrow under the provisions of this Act; and

(*c.*) For making advances (which they are hereby authorised to make) to any persons or bodies of persons, corporate or unincorporate, in aid of the emigration or colonization of inhabitants of the county, with a guarantee for repayment of such advances from any authority in the county or the government of any colony;

but neither the transfer of powers by this Act nor anything else in this Act, shall, save as herein-after provided, confer on the county council any power to borrow without the consent above mentioned, and that consent shall dispense with the necessity of obtaining any other consent which may be required by any Acts relating to such borrowing, and the said standing joint committee, before giving their consent, shall take into consideration any representation made by any ratepayer.

(2.) A loan under this section shall be repaid within such period, not exceeding thirty years, as the county council, with the consent of the said standing joint committee, determine in each case.

(3.) The county council shall pay off every loan either by equal yearly or half-yearly instalments of principal, or of principal and interest combined, or by means of a sinking fund set apart, invested, and applied in accordance with regulations which may from time to time be framed in that behalf by the Secretary for Scotland.

(4.) If the county council shall find it necessary in any year to make payments, in connexion with the current annual expenditure, for the purposes of the various Acts of Parliament administered by them in anticipation of the rates under the said Acts applicable to the expenditure of such year, they may, without any consent, borrow from any incorporated or joint stock bank, or other company or person, on such terms and conditions and in such form as may be agreed on between the parties, money on the security of such part of the rates as is still due and unreceived, but not to an amount greater than one-half of such part of such rates, and when any money has been so borrowed on the security of the rates of any local financial year, it shall not be competent to borrow on the security of the rates of any other year until the money borrowed as aforesaid shall have been paid off.

(5.) Where a loan is raised for any purpose upon the security of any rate leviable by the county council under or in pursuance of this Act, or of any other Act, the council shall take care that the sums payable in respect of the loan are charged to the special account to which the expenditure for that purpose is chargeable.

(6.) Where money has been borrowed by a county council or by any authority whose powers and duties are by or in pursuance of this Act transferred to the council until the loan has been discharged, the county council shall, within twenty-one days after the expiration of each local financial year, transmit to the Secretary for Scotland a return in such form and verified in such manner as may from time to time be prescribed, showing the amount of the loan still outstanding, and the steps which have been taken to comply with the provisions of this or any other Act in regard to its payment and discharge.

Accounts and Audit.

Audit of accounts of county council.

68.—(1.) The accounts of the receipts and expenditure of a county council (including those of the district committees) shall be made up and balanced to the fifteenth day of May in every year in such form and shall be completed and signed by such person or officer and before such date as the Secretary for Scotland shall from time to time prescribe.

(2.) The accounts of a county council (including as aforesaid) shall be audited in manner herein-after provided; and from and after the appointed day all provisions in regard to the audit of accounts of any administrative body whose powers and duties are by this Act transferred to the county council are hereby repealed.

Appointment of county auditors.

69. The Secretary for Scotland shall from time to time appoint one or more fit persons (in this Act referred to as county auditors) to audit the accounts of each county council (including those of the district committees), and may remove any county auditor.

The county council shall pay to a county auditor such salary and allowances as shall from time to time be fixed by the county council subject to the approval of the Secretary for Scotland.

Subject to the regulations herein-after contained, the Secretary for Scotland may make, and when made may revoke and vary, rules for the guidance of county auditors in the discharge of their duties: Provided that no such rules when made or varied shall be in force until they have lain for not less than one month on the table of both Houses of Parliament.

Provisions for audit.

70. The following regulations with respect to audit shall be observed; (that is to say,)

(1.) Before each audit the county clerk shall, after receiving from the county auditor the requisite appointment, give at least fourteen days notice, in such manner as shall be prescribed from time to time, of the time and place at which the audit will be made, and of the deposit of accounts required by this section, and of the name and address of the county auditor.

(2.) An abstract in duplicate of the accounts duly made up, balanced and signed as aforesaid, shall, together with all assessment books, account books, deeds, contracts, accounts, vouchers, and receipts mentioned or referred to in such accounts, be deposited in the offices of the county council and be open between the hours of eleven forenoon and three afternoon to the inspection of all ratepayers within the county or within any burgh liable to contribute to the county fund, as herein-before provided, for seven clear days before the audit, and all such persons shall be at liberty to take copies of or extracts from the same, without any fee; and any officer of the county council duly appointed in that behalf refusing to allow inspection thereof shall be liable to a penalty not exceeding five pounds.

(3.) For the purpose of any audit under this Act, every county auditor may, by a demand in writing, require the production before him of all books, deeds, contracts, accounts, vouchers, receipts, and other documents and papers which he may deem necessary, and may require any person holding the same or accountable therefor to appear before him at any such audit, or any adjournment thereof, and to make and sign a declaration as to the correctness of the same; and if such person neglects or refuses so to appear, or to produce any such books, deeds, contracts, accounts, vouchers, receipts, documents, or papers, or to make or sign such declaration, he shall incur for every neglect or refusal a penalty not exceeding forty shillings; and if he falsely or corruptly makes or signs any such declaration knowing the same to be untrue in any material particular, he shall be liable to the penalties inflicted on persons guilty of perjury.

(4.) Any ratepayer may make any objection to such accounts or any part thereof, and shall transmit the same and the grounds thereof in writing to the county auditor, and a copy thereof to the officer concerned, two clear days before the time fixed for the audit, and any ratepayer may be present at the audit and may support any objection made as herein-before provided either by himself or by any other ratepayer.

(5.) If it shall appear to any county auditor acting in pursuance of this section that any payment is in his opinion contrary to law and should be disallowed or that any sum, which in his opinion ought to have been, is not brought into account by any person, whether such payment or failure to account has been made matter of objection or not, he shall by an interim report under his hand report thereon to the Secretary for Scotland, setting forth the grounds of his opinion as aforesaid; and the Secretary for Scotland shall cause such interim report to be intimated to the objector, if any, and to the officer or other person affected thereby; and after due inquiry the Secretary for Scotland shall decide all questions raised by such interim report, and shall disallow all illegal payments and surcharge the same on the person or persons making them, and shall allow all sums which ought to have been but have not been brought into account.

(6.) If the Secretary for Scotland shall be of opinion that, although a disallowance or surcharge might be lawfully made, the subject-matter thereof was incurred under such circumstances as to make it fair and equitable that the disallowance or surcharge should not be made, he may abstain from making the same.

(7.) Every sum determined by the Secretary for Scotland under this Act to be due from any person shall be paid by such person to the county council within fourteen days after such determination has been intimated to him, and if such sum is not so paid it shall be the duty of the county auditor to recover the same, and the county council shall reimburse him for his expenses, including a reasonable allowance for his time in so far as not recovered from the person surcharged.

(8.) Within fourteen days after the completion of the audit, or, as the case may be, after the Secretary for Scotland has determined any questions raised under an interim report by the county auditor, the county auditor shall report on the accounts audited, and shall certify on each duplicate abstract thereof the amount in words at length of the expenditure so audited and allowed, and further that the regulations with respect to the accounts have been complied with, and that he has ascertained by the audit the correctness of the accounts. He shall forthwith send one duplicate abstract of the accounts herein-before mentioned to the county council, who shall cause the same to be deposited in their office, and shall publish such abstract in the form prescribed in some one or more of the newspapers circulating in the county. The county auditor shall also forthwith send the other duplicate abstract of the accounts so certified by him to the Secretary for Scotland; provided that if the Secretary for Scotland shall so determine, such abstract may come in place of and render unnecessary a return of the receipts and expenditure of the county council in pursuance of the Local Taxation Returns (Scotland) Act, 1881. 44 & 45 Vict. c. 6.

(9.) Where any surcharge has been made as herein-before provided, or the county auditor has made any interim report or report respecting the accounts or the receipts and expenses of the county council, the council shall cause the surcharge and interim report or report to be printed and published, together with the abstract of their accounts herein-before mentioned, and to be delivered to any ratepayer as in this section mentioned who asks for the same, and in case of default in such publication the Secretary for Scotland may cause the same to be published, and the cost of such publication, to the amount certified by the Secretary for Scotland, shall be a debt due from the county council to Her Majesty, and the county clerk shall be liable in case of default in such publication to a fine not exceeding twenty pounds.

Local Annual Budget.

Annual budget of county council.

71. At their meeting in the month of October in each local financial year every county council shall cause to be submitted to them the estimates, prepared as herein-before provided by the finance committee, of the receipts and expenditure of such council (including those of the district committees) during that financial year, whether on account of property, contributions, rates, loans, or otherwise, and shall revise such estimates and authorise such expenditure and make such provision for meeting the same as they shall approve under the provisions herein-before contained.

Incorporation of County Council and Proceedings of County Council and Committees.

Incorporation of county council.

72. The county council shall be incorporated under the name of the county council of the county, as the case may be, with perpetual succession and a common seal.

The county council under that name may sue or be sued, purchase, take, hold, and dispose of lands and other property for the purposes of and subject to the provisions of this Act.

All deeds granted by a county council shall, in addition to being sealed, be signed by two members of the council and by the county clerk.

Proceedings of county council.

73.—(1.) A county council shall, subject to the provisions of this Act, transact their business (including the hearing of appeals against or applications to be relieved from payment of rates) by means of general meetings of their body or committees as the council may think expedient. But the council shall not delegate any power of raising money by rate or loan: Provided that nothing in this Act shall derogate from the provisions of the Contagious Diseases (Animals) Acts in regard to the appointment on committees under the said Acts of persons not being members of the local authority thereunder.

(2.) There shall be not less than three general meetings of the council annually, that is to say, in the months of May and October, and on such days in these months as the county council may from time to time determine, and on the third Tuesday of December.

Provided that the first meeting of the county council in the year one thousand eight hundred and ninety, for the ordinary discharge of its duties, shall take place on the first Thursday after the appointed day.

The general meeting in the month of May shall be deemed to come in place of the annual statutory meeting of the commissioners of supply at the passing of this Act held in the months of April or May; and the general meeting in the month of October shall be deemed to come in place of the general or adjourned meeting of the commissioners of supply and the annual general meeting of county road trustees at the passing of this Act held in the months of September or October.

(3.) The quorum of the county council shall, unless the council with the consent of the Secretary for Scotland otherwise determine, be one fourth of the whole number of the council.

(4.) A county council may act notwithstanding any vacancy or vacancies caused by insufficient election or otherwise, provided that a quorum exists.

(5.) The ordinary day of election of the convener of the county shall be the third Tuesday of December in each year. The election of convener shall be the first business transacted on the day of election.

In the absence from any meeting of the convener and vice-convener of the county, such councillor as the councillors present shall choose shall be chairman of the meeting.

The chairman of a meeting shall have a casting vote as well as a deliberative vote; and when on the selection of the chairman of the meeting an equal number of votes is given for two or more persons, the meeting shall determine by lot which of these persons shall be the chairman of the meeting.

20 & 21 Vict. c. 72.

(6.) Where under any Act excepting the Police Act, 1857, relating to any business, powers, duties, or liabilities wholly or partly transferred by or in pursuance of this Act to the county council, provision is made for the appointment of any board, committee, or commissioners consisting wholly or partly of commissioners of supply, the county council shall annually appoint county councillors in lieu of the said commissioners of supply as the case may be; and the boards, committees, or commissioners constituted under the said Acts, as amended by this Act, shall have and discharge the powers and duties and be subject to the debts and liabilities conferred or imposed or resting upon them under the said Acts amended as aforesaid.

(7.) The county council may, subject to the provisions of this Act, make, vary, and revoke such regulations as they think fit with respect to the summoning, notice, time, place, management, and adjournment of their meetings, and generally with respect to the transaction and management of their business.

(8.) The councillors or members of district committees appointed to represent a burgh or an electoral division consisting of a police burgh or part of a police burgh shall not act or vote in respect of any matters involving expenditure to which such burgh does not contribute or for which the lands and heritages in such burgh or police burgh are not assessed.

Proceedings of committees.

74.—(1.) A county council appointing under this Act any committee may from time to time, subject to the provisions of this Act, make, vary, and revoke regulations respecting the quorum and proceedings of such committee; but, subject to such regulations, the proceedings and quorum and the place of meeting, whether within or without the county, shall be such as the committee may from time to time direct, and the chairman at any meeting of the committee shall have a casting vote as well as a deliberative vote.

(2.) Every committee shall report its proceedings to the county council by whom it was appointed.

Payments out of county fund and appointment of finance committee.

75.—(1.) All payments to and out of the county fund shall be made to and by the county treasurer, and all payments out of the fund shall, unless made in pursuance of the specific requirement of an Act of Parliament or of a decree of a competent court, or on the requisition of any district committee or standing joint committee, or for the periodical payment of salaries and wages, be made in pursuance of an order of the council signed by three members of the finance committee and countersigned by the county clerk, and the same order may include several payments. Moreover, all cheques for payment of moneys shall be signed by two members of the finance committee and be countersigned by the county clerk or by a deputy approved by the council.

(2.) Any such order may be stayed by note of suspension in the Bill Chamber, and may be wholly or partly disallowed or confirmed with or without expenses.

(3.) Every county council shall annually appoint a finance committee for regulating and controlling the finance of their county; and an order for the payment of a sum out of the county fund, whether on account of capital or income, shall not, save in the cases mentioned in the first sub-section of this section, be made by a county council except in pursuance of a resolution of the council passed on the recommendation of the finance committee, and any expenses, debt, or liability exceeding fifty pounds shall not, save as aforesaid, be incurred except upon a resolution of the council passed on an estimate submitted by the finance committee.

(4.) The notice of the meeting of the county council at which any resolution for the payment of a sum exceeding fifty pounds out of the county fund, or any resolution for incurring any expenses, debt, or liability exceeding fifty pounds, will be proposed, shall state the amount of the said sum, expenses, debt, or liability, and the purpose for which they are to be paid or incurred.

Joint Committees.

Appointment of joint committees.

76.—(1.) Any county councils or county councils and town councils may from time to time join in appointing out of their respective bodies a joint committee for any purpose of this Act in respect of which they are jointly interested.

(2.) Any council taking part in the appointment of any joint committee may from time to time delegate to the committee any power which such council might exercise for the purpose for which the committee is appointed.

(3.) Provided that a council shall not be entitled to delegate to a joint committee any power of raising money by rate or loan.

(4.) Subject to the powers of delegation, any such joint committee shall, in respect of any matter delegated to it, have the same power in all respects as the councils appointing it, or any of them, as the case may be.

(5.) The members of a joint committee shall be appointed at such times and in such manner as may be from time to time fixed by the council who appointed them, and shall hold office for such time as may be fixed by such council.

(6.) The number of members of a joint committee to be appointed by each council shall be fixed by arrangement.

(7.) The joint committee shall from time to time elect a chairman who shall hold office for such period as shall be fixed at the time of his election, and in the case of an equality of votes for two or more persons as chairman, one of those persons shall be elected by lot. The chairman shall have a casting vote as well as a deliberative vote.

(8.) The costs of a joint committee shall be defrayed by the councils by whom any of its members were appointed in the proportion agreed to by them. The proportion of the costs falling to be defrayed by any county council or town council shall be paid out of the county fund or burgh fund, as the case may be, and shall be provided for by a rate to be imposed and levied as nearly as may be in the same manner and subject to the same provisions as if the costs had been incurred by the county council or by a district committee, or by the town council, as the case may be.

(9.) The councils appointing a joint committee may jointly from time to time make, vary, and revoke regulations respecting the quorum and proceedings and place of meeting of the joint committee.

(10.) For the purposes of this section town council shall include police commissioners of a burgh or police burgh.

Districts and District Committees.

Division of county into districts for roads and public health purposes.

77. In order to give effect to the provision of this Act that (except as herein-after provided) every county shall be divided into districts for the purposes of the management and maintenance of highways, and the administration of the laws relating to public health, there shall be enacted the following provisions:—

(1.) The county council shall at their first meeting in the month of May next after the passing of this Act, and thereafter from time to time, divide the county into districts for the purposes in this section mentioned in such manner that each district shall comprise a group of electoral divisions, and that each parish, so far as within the county, shall be wholly included in one district. Provided always that such division into districts shall not be made if it shall appear to the county council unnecessary or inexpedient in the case of a county containing fewer than six parishes, or which has not been divided into districts for the purposes of the management and maintenance of highways therein.

(2.) Each district shall have the same contents and boundaries for all the purposes in this section mentioned.

Constitution of district committee.

78. Whenever, for the purposes of this Act, a county is, as herein-before provided, divided into districts, the following provisions shall have effect with respect to the constitution of the district committee for each district:

(1.) The district committee shall consist of the county councillors for the electoral divisions comprised in the district, together with one representative from the parochial board of each parish comprised or partly comprised therein, and one representative of each burgh within the meaning of the Roads and Bridges (Scotland) Act, 1878, where the management and maintenance of the highways within the burgh have, under the provisions of the last-mentioned Act, been transferred to the county. Provided that in the case of parishes partly landward and partly burghal the representative from every such parish shall be a ratepayer within the meaning of this Act.

(2.) The representatives of the parochial boards and burghs as aforesaid shall be appointed from time to time by their respective boards and town councils, and their appointment shall be forthwith intimated in writing to the county clerk, and after his appointment as herein-after provided, to the clerk of the district committee. Each such representative shall hold office until the appointment of his successor has been duly intimated.

(3.) Provided that where a county is not divided into districts the powers and duties and liabilities of a district committee under this Act shall devolve upon the county council, and for the purposes of the management and maintenance of highways, and the administration of the laws relating to public health, the following persons shall be deemed to be county councillors; that is to say, one representative from a parochial board of each parish comprised or partly comprised within the county, and one representative of each burgh within the meaning of the Roads and Bridges (Scotland) Act, 1878, where the management and maintenance of the highways within the burgh have, under the provisions of the last-mentioned Act, been transferred to the county; and the provisions of the immediately preceding sub-section shall apply to those representatives.

Powers and designation of district committee.

79. Each district committee shall have and may exercise all the powers and duties and be subject to all the liabilities transferred to or conferred upon it, as the case may be, by or in pursuance of but subject to the provisions of this Act, and shall be designated according to the district within which it acts, and may sue and be sued under that designation.

Proceedings of district committee.

80. The first meeting of a district committee shall take place as soon as may be after the thirty-first day of May next after the passing of this Act, and shall be called by the county clerk by circular addressed to each member whose appointment has been intimated to him. The committee may act notwithstanding any vacancy upon it. For the purpose of the regulation of its quorum and proceedings a district committee shall be deemed to be a committee of the county council.

Provided that a district committee may from time to time elect a chairman who shall hold office for such period as shall be fixed at his election, and in the case of an equality of votes for two or more persons as chairman, one of those persons shall be elected by lot. The chairman shall have a casting vote as well as a deliberative vote. A district committee shall have power to appoint and remove a district clerk and district treasurer, if need be, and, subject to the approval of the county council, to fix the salary which shall be payable to them.

Provision for special drainage or water supply districts.

81. With respect to special drainage districts or special water supply districts the following provisions shall have effect:—

(1.) Where a special drainage district or special water supply district has been formed in any parish under the Public Health Acts, the district committee may, subject to regulations to be from time to time made with the consent of the county council, appoint a sub-committee for the management and maintenance of the drainage or water supply works, and such sub-committee shall in part consist of persons, whether members of the district committee or not, who are resident within the special drainage district or special water supply district;

(2.) Where a special drainage district or special water supply district is partly within a county and partly within a burgh or police burgh, the sub-committee appointed under the immediately preceding sub-section and such number of the town council or police commissioners (as the case may be) of such burgh or police burgh as failing agreement the Secretary for Scotland may determine having regard to all the circumstances of the case, shall be charged with the management and maintenance of the drainage or water supply works within such special district, and the determination of the Secretary for Scotland may provide for the regulation of the proceedings and for the allocation and payment of the expenses incurred under this sub-section;

(3.) Where a special drainage district or special water supply district is wholly within a police burgh formed after the passing of this Act, the police commissioners of such police burgh shall become the local authority under the Public Health Acts for such special district, and the assessments in respect of the drainage and water supply shall be levied in the same manner as they were before such district was formed into a police burgh.

Payments to and by district committee.

82. All sums passed by the county council to the account of any district committee shall be paid into an account to be kept in name of the district committee with an incorporated or joint stock bank (including any branch thereof) for that purpose appointed by the county council; and all cheques on such account shall be signed by two members of the district committee nominated for that purpose by the committee, and be countersigned by the district clerk.

Officers.

Clerk of the county council.

83.—(1.) The clerk of supply in office at and after the passing of this Act shall, subject to the provisions of this Act, discharge all the duties of county clerk until the appointed day, and upon such day the clerk of supply in office shall become the clerk of the county council (in this Act referred to as the county clerk or clerk of the county council), and shall continue in office for twelve months after the first meeting of the council, unless he shall sooner vacate office by death, resignation, or disqualification. At the expiration of such period he shall continue in office during the pleasure of the county council.

(2.) In addition to any other rights and duties conferred or imposed on him by the council, the county clerk shall, after the appointed day and subject to the provisions of this Act, have and discharge the rights and duties now belonging to or devolving on the clerk of supply and county road clerk, and all things authorised or required to be done by or to the clerk of supply and county road clerk may be done by or to the county clerk.

Provided that the county council may continue in office the county road clerk in office at the appointed day, and such county road clerk shall act as county clerk in so far as regards the administration of the laws relating to highways, and after he ceases to hold office his duties as aforesaid shall devolve on the county clerk.

Provided also that the county council may appoint any assessor (not being an officer of Inland Revenue) in office at the appointed day to be collector of the consolidated rates.

(3.) Subject to the provisions of sub-section (1) of this section, the county council may from time to time appoint a county clerk, treasurer, collector or collectors, assessors, surveyors, and such other inspectors, officers, and servants as may be necessary and proper for the efficient execution of the duties of the county council, and may make regulations with respect to the duties of such county clerk, treasurer, collectors, assessors, surveyors, inspectors, officers, and servants. If it is deemed expedient one person may be appointed to fill two or more offices, and two or more persons may be appointed jointly to fill one office.

Provided that where the assessor is an officer of Inland Revenue any regulations made by the county council with respect to his duties shall be subject to the approval of the Treasury.

(4.) After the passing of this Act it shall not be lawful to appoint an officer of Inland Revenue to be assessor without the previously obtained consent of the Treasury, and an appointment made without such consent shall have no force or effect: Provided that such consent shall not be necessary in the case of the reappointment as assessor for any county or burgh of any officer of Inland Revenue, who is at the passing of this Act assessor for such county or burgh.

(5.) It shall not be lawful to appoint a county councillor or the partner in business of a county councillor to any office or place of profit under the county council or any committee in this Act mentioned; and the disqualification shall apply to any person and his partners in business during six months next after such person has ceased to be a county councillor.

(6.) The council shall pay to the county clerk, county road clerk, district clerk, treasurer, collectors, assessors, surveyors, inspectors, officers, and servants continued appointed or employed by them or by any district committee, such reasonable salaries, wages, or allowances as they think proper, and every such county clerk, county road clerk, district clerk, treasurer, collector, assessor, surveyor, inspector, officer, and servant shall, subject to the provisions of this Act, hold office during the pleasure of the council or district committee, as the case may be, by which he was appointed.

Provided that where the assessor is an officer of Inland Revenue the amount of the salary, wages, or allowances awarded to him shall be subject to the approval of the Treasury.

(7.) The council may at any time discontinue the appointment of any inspector, officer, or servant appearing to them not necessary to be reappointed; and may from time to time make such arrangements as they think necessary as to the offices required to be created or abolished.

Duties of clerks of the peace.

84. The clerk of the peace in office at the passing of this Act shall, so long as he holds office, but without any additional remuneration therefor, act as clerk of the county council in so far as regards any business by this Act transferred from the justices of the peace assembled as herein-before mentioned to and vested in the county council, and after he ceases to hold office his duties as aforesaid shall devolve on the county clerk, and thereafter all things authorised or required to be done by or to the clerk of the peace in regard to such business may be done by or to the county clerk. When so acting the clerk of the peace shall act under the direction of the county council.

As to School Fees.

Payment of school fees from certain endowments.

85. Wherever, under any scheme, provisional order, deed, or instrument, funds are allocated for the payment of school fees in any State-aided school in any standard of the Scotch Education Code, for which no school fees may hereafter be exacted, such funds shall, after the passing of this Act, be applied subject to regulations to be from time to time made by the governing body under such scheme, provisional order, deed, or instrument, with the approval of the Scotch Education Department.

Provided that nothing in this Act shall deprive any scholar of any advantage under any scheme, Provisional Order, deed, or instrument other than the payment of school fees.

Provided also, that nothing in this Act shall prejudice or affect any application to the Court of Session under any scheme or Provisional Order, or under the twentieth section of the Educational Endowments (Scotland) Act, 1882.

45 & 46 Vict. c. 59.

Compensation to certain teachers for loss of school fees.

35 & 36 Vict. c. 62.

86. If under the provisions of this Act, or of anything made or done in pursuance thereof, any teacher appointed previously to the passing of the Education (Scotland) Act, 1872, shall be prejudiced in any right to school fees possessed by him at the passing of this Act, he shall, after the passing of this Act, be entitled to receive from the school board compensation in respect of any loss so sustained by him, and such compensation, failing agreement, may be determined finally by the sheriff, and shall be payable out of the school fund.

87. Section fifty-three of the Education (Scotland) Act, 1872, shall, from and after the passing of this Act, be read and have effect as if after the words "public schools" therein there were inserted the words "and subject to the provisions contained in the " Scotch Education Code, or in any minute of the Scotch Education " department submitted to Parliament."

Amendment as to fixing school fees.

88. After the passing of this Act there shall be repealed—

(1.) Section sixty-nine of the Education (Scotland) Act, 1872, after the words "years of age"; and

(2.) Section twenty-two of the Education (Scotland) Act, 1878.

Payment of school fees by parochial boards abolished.

As to Expenses of Justices, &c.

89. All expenses lawfully incurred by the quarter sessions or the justices out of sessions or the commissioners of supply of a county shall, so far as they are at the passing of this Act payable out of the county general assessment, continue to be so payable, and the county council of the county shall make provision for such payment accordingly.

Expenses of justices, &c. to be payable out of county fund.

As to Land and Buildings

90. All land and buildings, roads and bridges, drainage and water supply works, and all other heritable subjects with their pertinents now vested in the commissioners of supply or county road trustees of any county or in any local authority under the Public Health Acts, in so far as their powers are by this Act transferred to the county council, or in any person on their behalf, and all interest in the same for any of the uses and purposes of the county or any division or district of the county or of any parish therein shall, on the appointed day, and without any new instrument or conveyance, but subject to the provisions of this Act be transferred to and vested in that council for the same interest and purposes, and subject to the same conditions and restrictions for and subject to which the same are held by such commissioners of supply, county road trustees, local authority, or person on their behalf.

Transfer of land, &c.

Provisional Orders.

91. With respect to provisional orders authorised to be made by the Secretary for Scotland under this Act the following enactments shall be made:—

Regulations as to provisional orders.

(1.) The Secretary for Scotland shall not make any provisional order unless public notice of the purport of the proposed order has been previously given by advertisement in two successive weeks in some local newspaper circulating in the district to which such provisional order relates, and in the Edinburgh Gazette:

(2.) Before making any such provisional order the Secretary for Scotland shall consider any objections which may be made thereto by any persons affected thereby, and in cases where the subject matter is one to which a local inquiry is applicable shall cause to be made a local inquiry, of which public notice shall be given in manner aforesaid, and at which all persons interested shall be permitted to attend and make objections:

(3.) The Secretary for Scotland may submit to Parliament for confirmation any provisional order made by him in pursuance of this Act, but any such order shall be of no force whatever unless and until it is confirmed by Parliament:

(4.) If while the Bill confirming any such order is pending in either House of Parliament a petition is presented against any order comprised therein, the Bill, in so far as it relates to such order, may be referred to a Select Committee, and the petitioner shall be allowed to appear and oppose as in the case of private Bills:

(5.) The making of a provisional order shall be primâ facie evidence that all the requirements of this Act in respect of proceedings required to be taken before the making of such order have been complied with:

(6.) Every Act confirming a provisional order made by the Secretary for Scotland under this Act shall be a Public General Act.

Time.

Computation of time.

92. Where by this Act any act or proceeding is directed to be done or taken on a certain day, then, if that day happens to be a Sunday, Christmas Day, or Good Friday, or a public holiday, or a day appointed for public fast, humiliation, or thanksgiving, such act or proceeding shall be considered as done or taken in due time if it is done or taken on the next day afterwards, not being one of the days in this section specified; but in reckoning clear days for the purposes of this Act, the days in this section specified shall not be excluded.

Power of Secretary for Scotland.

Local inquiry, &c.

93.—(1.) Where the Secretary for Scotland is authorised or required by this Act to make any inquiry, to make or confirm any order or byelaw, or to give any consent, sanction, or approval to any matter, to determine any difference, or make any adjustment, or otherwise to act under this Act, he may or shall, as the case may be, cause a local inquiry to be held by any person nominated by a writing under his hand, and such person shall be entitled to summon witnesses and examine them on oath, and call for the production of books, documents, and accounts.

(2.) Where any matter is authorised or required by this Act to be prescribed, and no other provision is made declaring how the same is to be prescribed, the same shall be prescribed from time to time by the Secretary for Scotland.

(3.) Where the Secretary for Scotland causes any local inquiry to be held under this Act, the costs incurred in relation to such inquiry, including the remuneration of any person appointed to hold the same, not exceeding three guineas a day, shall be paid by the councils and other authorities concerned in such inquiry, or by such of them and in such proportions as the Secretary for Scotland may direct, and the said Secretary may certify the amount of the costs incurred, and any sum so certified shall be a debt to the Crown from the council or authority directed to pay the same.

Legal Proceedings.

94. Any offence against the provisions of this Act or of any byelaw made thereunder may be prosecuted, and any fine or penalty, together with the expenses of process, may be recovered, at the instance of the procurator fiscal of court or of the county clerk, before the sheriff or any two justices of the peace under the provisions of the Summary Jurisdiction Acts.

Recovery and application of penalties.

Every prosecution shall be begun within six months after the offence was committed or the fine or penalty incurred.

Every fine or penalty shall be paid into the county fund and applied as the county council shall determine.

Every person found liable in any fine or penalty recoverable summarily under this Act shall, failing payment thereof, with expenses, immediately or within a specified time, as the case may be, be liable to be imprisoned in terms of sub-section (*b.*) of section six of the Summary Jurisdiction (Scotland) Act, 1881.

44 & 45 Vict. c. 33.

Savings.

95. Nothing in this Act, nor anything done in pursuance of this Act, shall alter the limits of any parliamentary county or burgh or division, or the right of any person to be registered as a voter or to vote at any parliamentary election, or the limits within which the valuation roll for a county or burgh is made up as at the passing of this Act, or the right of assessing for the cost of making up such valuation roll or the register of parliamentary voters for any county or division or burgh.

Saving for votes at any parliamentary elections.

96. Nothing in this Act, nor anything done in pursuance of this Act, shall alter any right to or affecting teinds or any ecclesiastical arrangements or jurisdictions.

Saving for teinds and ecclesiastical arrangements.

97. Nothing in this Act contained shall be held to abrogate or repeal the division of any county into divisions or districts made under and by virtue of the powers contained in sections fifty-eight, fifty-nine, and sixty of the Police Act, 1857, or the consolidations of county and burgh police establishments which have been made under and by virtue of the powers contained in sections sixty-one and sixty-three of the same Act, or the power of making such divisions or consolidations after the passing of this Act, or the mode of assessing therefor.

Saving for divisions and consolidation arrangements under 20 & 21 Vict. c. 72.

98. Nothing contained in this Act or done in pursuance thereof shall prejudice or affect any application to Parliament for the extension of the boundaries of any burgh or the grounds of opposition to such an application.

Saving as to extension of burghs.

99. Nothing in this Act shall interfere with the formation of police burghs under the provisions of the General Police and Improvement (Scotland) Act, 1862; and on the formation of any

Saving as to formation of police burghs. 25 & 26 Vict. c. 101.

police burgh the commissioners of police thereof shall become the local authority therein under the Public Health Acts, subject to adjustment by the sheriff in regard to the property and debts and liabilities affected by such change: Provided always, that unless and until the determination as to the number of county councillors and of electoral divisions is altered under the provisions of this Act, any police burgh formed after the passing of this Act shall in all other respects remain a part of the parish in which it is situated, and shall not be entitled to be an electoral division of the county.

Saving for existing securities and discharge of debts.

100. Nothing in this Act shall prejudicially affect any securities granted before the passing of this Act on the credit of any rate or property by this Act transferred to a county council; and all such securities, as well as all unsecured debts, liabilities, and obligations lawfully incurred by any local authority, body, or person, in the exercise of any powers or in relation to any property transferred from them to the county council under this Act, shall be discharged, paid, and satisfied by the council.

Saving for pending actions, &c.

101.—(1.) If at the passing of this Act any action or proceeding, or any cause of action or proceeding, is pending or existing by or against any authority, in relation to any powers, duties, liabilities, or property by this Act transferred to the county council, the same shall not be in anywise prejudicially affected by reason of the passing of this Act, but may be continued, prosecuted, and enforced by or against the county council as successors of the said authority, in like manner as if this Act had not been passed.

(2.) All contracts, deeds, bonds, agreements, and other instruments entered into or made and subsisting at the time of the transfer in this section mentioned, and affecting any such powers, duties, liabilities, or property of any authority as are by this Act transferred to a county council, shall be of as full force and effect against or in favour of the council, and may be enforced as fully and effectually as if, instead of the authority, the said council had been a party thereto.

Saving as to land tax, &c.

102. Nothing in this Act, nor anything done in pursuance of this Act, shall alter the quota of land tax now payable by any county or burgh, or transfer to a county council any powers as commissioners of the land tax, except for the purposes of any local and personal Act of Parliament, or shall be held to derogate from the provisions of sections two and four of an Act passed in the seventh and eighth years of the reign of his late Majesty King George the Fourth, chapter seventy-five, intituled "An Act to appoint commissioners for carrying into execution several Acts granting an aid to his Majesty by a land tax to be raised in Great Britain, and continuing to his Majesty certain duties on personal estates, offices, and pensions in England." Provided that any question as to the division and allocation of the old valued rent of lands shall hereafter be determined by the sheriff whose determination (which shall be final) shall be recorded in the sheriff court books, and shall form the rule of payment subsequent to its date.

Definitions.

Definition of "written."

103. All notices and documents required by this Act to be in writing may be in writing or print, or partly in writing and partly in print, and for the purpose of this section "print" includes any mechanical mode of reproduction.

Definition of "population."

104. Wherever in this Act reference is made to the population of burghs or police burghs, such reference shall be deemed to be made to the population according to the Census of 1881, unless it shall be established to the satisfaction of the Secretary for Scotland within ten days after the passing of this Act that in the case of any burgh or police burgh it has a larger population as at the passing of this Act, and in any such case such reference shall be taken to be to the larger population so established.

Interpretation of certain terms.

105. In this Act, if not inconsistent with the context, the following terms have the meanings herein-after respectively assigned to them; that is to say—

The expression "county" means a county exclusive of any burgh wholly or partly situate therein, and does not include a county of a city.

The expression "burgh" means any royal or parliamentary burgh.

The expression "police burgh" means a populous place, the boundaries whereof have been fixed and ascertained under the provisions of the General Police and Improvement (Scotland) Act, 1862, or of the Act first therein recited, or under the provisions of any local Act.

The expression "parish" means a parish *quoad civilia* for which a separate parochial board is or can be appointed, and where part of a parish is situate within and part of it without any county or other area, includes each such part.

The expression "Highlands and Islands of Scotland" shall mean the counties of Argyll, Inverness, Ross and Cromarty, Sutherland, Caithness, Orkney, and Zetland.

The expression "Treasury" means the Commissioners of Her Majesty's Treasury.

The expression "Bank of England" means the Governor and Company of the Bank of England.

The expression "sheriff" means the sheriff of the county, and includes sheriff substitute.

The expression "assessor" means the assessor acting under the Registration Acts, or the Valuation Acts, as the case may be.

30 & 31 Vict. c. 101.
41 & 42 Vict. c. 74.
49 & 50 Vict. c. 32.

The expression "Public Health Acts" means the Public Health (Scotland) Act, 1867, and any Acts amending the same, and shall include section thirty-four of the Contagious Diseases (Animals) Act, 1878, as amended by section nine of the Contagious Diseases (Animals) Act, 1886.

The expression "Registration Acts" means the Acts regulating the registration of parliamentary electors.

The expression "the Valuation Acts" means the Act of the seventeenth and eighteenth Victoria, chapter ninety-one, and any Acts amending the same.

The expression " Contagious Diseases (Animals) Acts " means the Contagious Diseases (Animals) Act, 1878, and any Acts amending the same.

41 & 42 Vict. c. 74.

The expression " Summary Jurisdiction Acts " means the Summary Jurisdiction (Scotland) Acts, 1864 and 1881, and any Acts amending the same.

27 & 28 Vict. c. 53.
44 & 45 Vict. c. 33.

The expression "Police Act, 1857," means the Act of the twentieth and twenty-first Victoria, chapter seventy-two.

The expression " existing " means existing at the time specified in the enactment in which the expression is used, and if no such time is expressed, then at the day appointed to be for the purpose of such enactment the appointed day.

The expression " person " includes any body of persons whether corporate or unincorporate.

The expression " ratepayer " means any owner or occupier liable in payment of any rate imposed under or in pursuance of this Act.

The expression " owner " has the same meaning as the expression "proprietor" has in the Valuation Acts, and shall not include a crofter within the meaning of the Crofters' Holdings (Scotland) Act, 1886.

49 & 50 Vict. c. 29.

The expression "property" includes all property, heritable and movable, and all interests therein.

The expression " powers " includes rights, jurisdictions, capacities, privileges, and immunities.

The expression " duties " includes responsibilities and obligations.

The expression " liabilities " includes liability to any proceeding for enforcing any duty, and all debts and liabilities to which any authority are or would be, but for the passing of this Act, liable or subject, whether accrued due at the date of the transfer by this Act effected or subsequently accruing, and including any obligation to carry or apply any money to any sinking fund, or to any other particular purpose.

The expression " costs " includes expenses.

The expression " rate " includes assessment.

The expression " pension " includes any superannuation allowance, gratuity, or other payment made on the retirement of any officer.

PART IX.

Transitory Provisions.

General Provisions as to First Elections.

Preliminary action of county councillors as provisional council.

106.—(1.) The members of a county council first elected under this Act shall not enter on their ordinary duties or become the county council until the fifteenth day of May next after their election, or such other day as on the application of the provisional council the Secretary for Scotland may appoint.

(2.) Such members shall, on the second Thursday next after the day fixed for the first election, and thenceforward from time to time until the day above mentioned in this section, meet and act as a provisional council for arranging to bring this Act into operation.

(3.) The provisional councillors shall at their first meeting elect one of their number to be chairman of that meeting and of the second meeting, and shall at their second meeting, or some adjournment thereof, proceed to elect as their chairman a person qualified to be convener of the county, and may from time to time fill up any vacancy in the office of such chairman, and the person elected chairman shall be chairman of the provisional council, and also on and after the appointed day convener of the county, and the term of office of such convener shall end on the next ordinary day of election of convener.

(4.) This enactment shall extend to the vice-chairman.

First proceedings of provisional council.

107.—(1.) The provisional council after disposing of the preliminary business shall proceed to provide for bringing the various provisions of this Act into full operation on the appointed day or days, and to make the necessary arrangements with the several authorities whose powers and duties are transferred to them, and with reference to the distribution of duties among the different officers, and to provide for all matters which appear necessary or proper for enabling the county council as constituted under this Act to discharge their duties, and for giving full effect to this Act.

(2.) The provisions of this Act with respect to the proceedings of the county council, shall apply to the proceedings of the provisional council, and any act of the provisional council may be signified under the hand of the chairman and any two members of the council present at the meeting, and countersigned by the officer acting as their clerk.

(3.) The provisional council of a county shall be entitled to use the county buildings of that county, so that they do not interfere with the holding of any court or any meeting of commissioners of supply or county road trustees, and the clerk of supply shall act as the officer of such provisional council, and farther the provisional council may from time to time hire such buildings and appoint such interim officers as appear to them necessary for the performance of their duties, and the costs incurred in the hiring of such buildings and payment of such officers or otherwise in the performance of their duties shall be defrayed as costs properly incurred by the county council. And until such time as the said costs can be paid out of the county fund established under this Act they may be provided for on the security of the said fund, without any other authority or consent than a resolution of the provisional council, by advance from any incorporated or joint stock bank or person willing to make the same.

(4.) There shall be paid out of the general purposes rate to the clerk of the county such reasonable remuneration as the county council may award for extra services rendered by him in bringing this Act into operation, and in acting as such clerk, until his salary for acting as such clerk is fixed in manner provided by this Act.

(5.) The quarter sessions, commissioners of supply, county road trustees, and other authorities shall, by the appointment of committees, or the holding of sessions and meetings, and otherwise, make such provisions as are necessary or proper for making arrangements with the provisional council for carrying this Act into effect; and the quarter sessions, commissioners of supply, county road trustees, and other authorities aforesaid may, after the appointed day, meet in like manner as if this Act had not passed, for the purpose of receiving reports from the committees and county officers for the period subsequent to the last quarter sessions or meeting of commissioners of supply or county road trustees and other authorities, and prior to the appointed day, and for otherwise concluding and winding up their business.

Power of Secretary for Scotland to remedy defects.

108.—(1.) If from any cause there is no returning officer able to act in any county at the first election of a county council, or no register of county electors properly made up, or no proper election takes place, or an election of an insufficient number of persons takes place, or any difficulty arises as to holding the first election of county councillors, or as to the first meeting of a provisional council, the Secretary for Scotland may by order appoint a returning officer or other officer, and do any matter or thing which appears to him necessary for the proper holding of the first election and for the proper holding of the first meeting of the provisional council, and may, if it appears to him necessary, direct a new election to be held, and fix the date for such new election, or may authorise the provisional council to meet and transact business notwithstanding any vacancies in their number. Any such order may modify the provisions of this Act and the enactments applied by this Act so far as may appear to the Secretary for Scotland necessary for the proper holding of the first election and first meeting of the provisional council.

(2.) The Secretary for Scotland, on the application of a county council or provisional council, may within six months after the day fixed for the first election of councillors of such council, from time to time, make such orders as appear to him to be necessary for bringing this Act into full operation as respects the council so applying, and such orders may modify any enactment in this or any other Act, whether general or local and personal, so far as may appear to the Secretary for Scotland necessary for the said purpose.

(3.) The Secretary for Scotland may, if he shall think fit, cause such steps to be taken as he considers necessary for having the registers of county electors made up.

Special provision as to certain ex-officio councillors at the first election.

109. The following persons shall, in addition to the councillors elected as herein-before mentioned, be councillors of the county council in the same manner as if they had been elected to that office at the first election in pursuance of this Act, that is to say, the persons who are, at the date of such first election, lieutenant of the county, convener of the county, chairman of the county road trustees, and chairman of the local authority of the county under the Contagious Diseases (Animals) Act, 1878, but where there is no permanent chairman of road trustees in any county one person shall be elected by the commissioners of supply an ex officio member in place of such permanent chairman.

(1.) If more than one of the offices in this section mentioned are held by the same person, the commissioners of supply of the county may nominate, at any meeting held before the appointed day, one, two, or three of their own number, as the case may be, who shall be entitled to act as county councillors under this section.

(2.) A person entitled to act as a county councillor under this section shall be a member of the district committee of the district within which the premises in respect of which he is registered as a county elector are situated.

(3.) The persons entitled to act as county councillors under this section shall cease to hold office at the first retirement of councillors under this Act.

Appointed Day.

Appointed day

110.—(1.) Subject as in this Act mentioned, the appointed day for the purposes of this Act shall in each county be the fifteenth day of May next after the passing of this Act, or such other day, earlier or later, as the Secretary for Scotland (but after the election of county councillors for such county on the application of the provisional council or county council) may appoint, either generally or with reference to any particular provision of this Act, and different days may be appointed for different purposes and different provisions of this Act, whether contained in the same section or in different sections or for different counties.

(2.) Any enactment of this Act authorising anything to be done by the Commissioners of Inland Revenue or the Secretary for Scotland, or relating to the registration of county electors, or to the elections, or to any matter required to be done for the purpose of bringing this Act into operation on the appointed day, shall come into effect on the passing of this Act; but, save as aforesaid, and save so far as there may be anything in this Act inconsistent herewith, any enactment of this Act shall come into operation on the appointed day.

Postponement of Registration in 1889.

Postponement of registration in 1889.

111. During the year one thousand eight hundred and eighty-nine, the Registration Acts shall be read and construed as regards every county with the substitution of "October" for "August" of "November" for "September," and of "December" for "October."

Provided that in any burgh in which the preparation of the municipal register is dependent on the preparation of the parliamentary register of the county within which it is situated for parliamentary purposes, the municipal register in force at the passing of this Act shall remain in force until the thirty-first day of October one thousand eight hundred and ninety, and no municipal register shall be prepared and made up for such burgh during the year one thousand eight hundred and eighty-nine. The municipal election in such burgh shall take place on the first Tuesday of November one thousand eight hundred and eighty-nine as if the municipal register continued in force by this section had been prepared and made up in the usual manner.

Transitional Proceedings.

Current rates.

112.—(1.) Every rate and requisition for sums of money made before the appointed day may be levied and collected, and proceedings for the enforcement thereof taken in like manner as nearly as may be as if this Act had not passed.

(2.) The accounts of all receipts and expenditure before the appointed day shall be audited and other consequential proceedings had in like manner as nearly as may be as if this Act had not passed, and every officer whose duty it is to make up any accounts, or to account for any portion of the receipts and expenditure in any account shall, until the audit is completed, be deemed for the purpose of such audit to continue in office and be bound to perform the same duties and render the same accounts as before the appointed day.

Transitory provisions as to district lunacy boards, &c.

113. The representatives of any county on a district lunacy board, or a visiting committee of a prison, and any visitors of a public, private, or district lunatic asylum appointed by the justices of the peace holding office on the appointed day, shall continue to hold office until the expiration of one week after the county council have elected representatives and visitors for the like purposes, and no longer; and the representatives and visitors elected by the county council shall come into office at the expiration of the said week.

Transitory provisions as to police committee of county.

114. The members of the police committee of a county holding office at the appointed day shall continue to hold office until the thirty-first day of May next after the first election of county councillors under this Act, and no longer; and the standing joint committee appointed in pursuance of this Act shall thereupon come into office as the police committee.

Transitory provisions as to Contagious Diseases (Animals) Acts.

115. The members of the executive committee of the local authority under the Contagious Diseases (Animals) Acts, and of any other committee of such local authority holding office on the appointed day, shall continue to hold office until the expiration of one week after the county council shall have appointed an executive committee under the said Acts, and no longer; and thereupon the executive committee appointed by the county council shall come into office and shall possess all the powers and discharge all the duties previously belonging to any other committee under the said Acts, unless and until any such other committee is appointed by the county council.

Transitory provisions as to county road board and district road committees.

116. The members of a county road board and of any district road committee holding office at the appointed day shall continue to hold office until the thirty-first day of May next after the first election of county councillors under this Act, and no longer; and thereupon the county road board and district road committees appointed or constituted under this Act shall come into office.

117. The members of a local authority of a parish under the Public Health Acts holding office at the appointed day shall continue to hold office until the thirty-first day of May next after the first election of county councillors under this Act and no longer; and thereafter the district committee constituted under this Act shall come into office.

Transitory provisions as to public health local authorities.

Existing Officers.

118.—(1.) All persons who at the appointed day hold office as treasurer, collector, assessor, inspector, or surveyor, or are officers of the commissioners of supply, county road trustees, local authority under any Act of Parliament, or quarter sessions or justices of the county, or are servants thereof and perform any duties in respect of the business transferred by or in pursuance of this Act to the county council, and also, but subject to the provisions of this Act, the clerk of supply and the county road clerk shall after the appointed day become the officers and servants of the county council.

Existing officers and servants.

(2.) Every person who, at the appointed day, is the chief or other constable of the police force of any county, or is an officer or servant employed in connexion with that force, shall, after the said day, be chief or other constable of the police force or an officer or servant of the same county under the provisions of this Act.

(3.) Where any constable at the appointed day belongs to the police force of any burgh or police burgh which will by virtue of this Act cease to maintain a separate police force, such constable shall, after the said day, become a constable of the county police force, and the provisions of this Act with respect to officers of any authority who become officers of the county council shall apply to such constable.

119.—(1.) The officers and servants of any authority who held office at the passing of this Act, and who, by virtue of this Act, become officers and servants of a county council (in this Act referred to as existing officers), shall hold their offices by the same tenure, and upon the same terms and conditions as if this Act had not passed, and while performing the same duties shall receive not less salaries or remuneration, and be entitled to not less pensions (if any) than they would have received or been entitled to if this Act had not passed, and when any such officer can only be removed with the consent of some specified authority, such consent shall be part of the tenure of his office.

As to officers transferred to county councils.

(2.) The county council may distribute the business to be performed by existing officers in such manner as the council may think just, and every existing officer shall perform such duties in relation to that business as may be directed by the council.

(3.) The county council may abolish the office of any existing officer whose office they may deem unnecessary, but such officer shall be entitled to similar compensation under this Act as he would have been entitled to under his former engagement.

(4.) The provisions of this section shall, subject to the provisions of the Police Act, 1857, and of this Act, apply to the chief and other constables of any police force, and to any officers employed in connexion with such force.

20 & 21 Vict. c. 72.

Compensation to existing officers.

120.—(1.) Every existing officer declared by this Act to be entitled to compensation and every other existing officer, whether before mentioned in this Act or not, who, by virtue of this Act or anything done in pursuance of or in consequence of this Act, suffers any direct pecuniary loss by abolition of office, or by diminution or loss of salary or fees, shall be entitled to have compensation paid to him for such pecuniary loss by the county council to whom the powers of the authority whose officer he was are transferred under this Act, regard being had to the conditions on which the appointment was made, to the nature of his office or employment, to the duration of his service, to any additional emoluments which he acquires by virtue of this Act, or of anything done in pursuance of or in consequence of this Act, and to the emoluments which he might have acquired if he had not refused to accept any office offered by any council or other body acting under this Act, and to all the other circumstances of the case, and the compensation shall not exceed the amount which, under the Acts and rules relating to Her Majesty's Civil Service, is paid to a person on abolition of office.

(2.) Every person who is entitled to compensation, as above mentioned, shall deliver to the county council a claim under his hand, setting forth the whole amount received and expended by him or his predecessors in office, in every year during the period of five years next before the passing of this Act, on account of the emoluments for which he claims compensation, distinguishing the offices in respect of which the same have been received, and accompanied by a statutory declaration under the Statutory Declaration Act, 1835, that the same is a true statement according to the best of his knowledge, information, and belief: Provided that it shall not be competent for any person to make any claim for compensation after the expiration of two years after the passing of this Act.

5 & 6 Will. 4. c. 62.

(3.) Such statement shall be submitted to the county council, who shall forthwith take the same into consideration, and assess the just amount of compensation (if any), and shall forthwith inform the claimant of their decision.

(4.) If a claimant is aggrieved by the refusal of the county council to grant any compensation, or by the amount of compensation assessed, or if not less than one third of the members of such council subscribe a protest against the amount of the compensation as being excessive, the claimant or any subscriber to such protest (as the case may be) may, within three months after the decision of the council, appeal to the Treasury, who shall consider the case and determine whether any compensation, and if so, what amount, ought to be granted to the claimant, and such determination shall be final.

(5.) Any claimant under this section, if so required by any member of the county council, shall attend at a meeting of the council and answer upon oath, which the convener or vice convener may administer, all questions asked by any member of the council touching the matter set forth in the claim, and shall further produce all books, papers, and documents in his possession or under his control relating to such claim.

(6.) The sum payable as compensation to any person in pursuance of this section shall commence to be payable at the date fixed by the council on granting the compensation, or in case of appeal by the Treasury, and shall be a debt due to him from the county council, and may be enforced accordingly, in like manner as if the council had entered into a bond to pay the same.

(7.) If a person receiving compensation in pursuance of this section is appointed to any office under the same or any other county council, or by virtue of this Act, or anything done in pursuance of or in consequence of this Act, receives any increase of emoluments of the office held by him, he shall not, while receiving the emoluments of that office, receive any greater amount of his compensation, if any, than, with the emoluments of the said office, is equal to the emoluments for which compensation was granted to him, and if the emoluments of the office he holds are equal to or greater than the emoluments for which compensation was granted, his compensation shall be suspended while he holds such office.

(8.) All expenses incurred by a county council in pursuance of this section shall be paid out of the county fund as a payment for general county purposes.

(9.) For the purposes of this section county road clerks and district road clerks shall be deemed to be existing officers.

Repeal of Acts.

121. All enactments inconsistent with this Act are hereby repealed; and in the case of every repeal under the provisions of this Act the following provisions shall have effect; that is to say,

(1.) Any enactment or document referring to any Act or enactment hereby repealed shall be construed to refer to this Act or to the corresponding enactment in this Act:

(2.) The repeal shall not affect—

(*a.*) The past operation of any enactment hereby repealed, nor anything duly done or suffered under any enactment hereby repealed; or

(*b.*) Any right, privilege, obligation, or liability acquired, accrued, or incurred under or in accordance with any enactment hereby repealed; or

(*c.*) Any penalty, forfeiture, or punishment incurred in respect of any offence committed against any enactment hereby repealed; or

(*d.*) Any power, investigation, legal proceeding, or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture, or punishment as aforesaid; and any such power, investigation, legal proceeding, and remedy may be exercised and carried on as if this Act had not passed.

SCHEDULE.

Section 20.

Local Taxation Licences.

Licences for the sale of intoxicating liquor for consumption on the premises:

Retailers of spirits (publicans).
Retailers of spirits (occasional licences).
Retailers of beer and cider.
Retailers of beer and wine.
Retailers of wine.
Retailers of sweets.

Licences for the sale of intoxicating liquor by retail, by persons not licensed to deal therein, for consumption off the premises:

Retailers of spirits.
Retailers of beer and cider.
Retailers of wine.
Retailers of sweets.
Retailers of table beer.

Licences to deal in game.

Licences for—

Beer dealers.
Spirit dealers.
Sweets dealers.
Wine dealers.
Dogs.
Killing game.
Guns.
Appraisers.
Auctioneers.
Tobacco dealers.
Carriages.
Armorial bearings.
Male servants.
Hawkers.
House agents.
Pawnbrokers.
Plate dealers.

CHAPTER 51.

An Act to amend the General Police and Improvement (Scotland) Act, 1862. [26th August 1889.]

25 & 26 Vict. c. 101.

WHEREAS it is expedient to amend the General Police and Improvement (Scotland) Act, 1862:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Statutory provisions as to fixing of boundaries to be deemed to be complied with.

1. All statutory requirements and provisions applicable to the fixing of the boundaries of any burgh or place under the said recited Act, or the Act first recited therein, or to the adoption of either of the said Acts, or to the election of Commissioners for any such burgh, shall be deemed and taken to have been duly complied with, and shall have effect accordingly, unless the same shall have been or shall be challenged in a competent court of law within three years from the date of the alleged non-compliance with the said statutory requirements and provisions: Provided always, that nothing herein contained shall prejudice or affect the pecuniary rights, liabilities, or interests of any person which shall have been finally decided by or are under the consideration of any court of law at the time of the passing hereof.

Short title.

2. This Act may be cited as the General Police and Improvement (Scotland) Act, 1862, Amendment Act, 1889.

CHAPTER 52.

An Act to prevent the Disclosure of Official Documents and Information. [26th August 1889.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Disclosure of information.

1.—(1.) (*a.*) Where a person for the purpose of wrongfully obtaining information—

(i.) enters or is in any part of a place belonging to Her Majesty the Queen, being a fortress, arsenal, factory, dockyard, camp, ship, office, or other like place, in which part he is not entitled to be; or

(ii.) when lawfully or unlawfully in any such place as aforesaid, either obtains any document, sketch, plan, model, or knowledge of any thing which he is not entitled to obtain, or takes without lawful authority any sketch or plan; or

(iii.) when outside any fortress, arsenal, factory, dockyard, or camp belonging to Her Majesty the Queen, takes or attempts to take without authority given by or on behalf of Her Majesty, any sketch or plan of that fortress, arsenal, factory, dockyard, or camp; or

(*b.*) where a person knowingly having possession of, or control over, any such document, sketch, plan, model, or knowledge as has been obtained or taken by means of any act which constitutes an offence against this Act at any time wilfully and without lawful authority communicates or attempts to communicate the same to any person to whom the same ought not, in the interest of the State, to be communicated at that time; or

(*c.*) where a person after having been entrusted in confidence by some officer under Her Majesty the Queen with any document, sketch, plan, model, or information relating to any such place as aforesaid, or to the naval or military affairs of Her Majesty, wilfully and in breach of such confidence communicates the same when, in the interest of the State, it ought not to be communicated;

he shall be guilty of a misdemeanor, and on conviction be liable to imprisonment, with or without hard labour, for a term not exceeding one year, or to a fine, or to both imprisonment and a fine.

(2.) Where a person having possession of any document, sketch, plan, model, or information relating to any fortress, arsenal, factory, dockyard, camp, ship, office, or other like place belonging to Her Majesty, or to the naval or military affairs of Her Majesty, in whatever manner the same has been obtained or taken, at any time wilfully communicates the same to any person to whom he knows the same ought not, in the interest of the State, to be communicated at that time, he shall be guilty of a misdemeanour, and be liable to the same punishment as if he committed an offence under the foregoing provisions of this section.

(3.) Where a person commits any act declared by this section to be a misdemeanour, he shall, if he intended to communicate to a foreign State any information, document, sketch, plan, model, or knowledge obtained or taken by him, or entrusted to him as aforesaid, or if he communicates the same to any agent of a foreign State, be guilty of felony, and on conviction be liable at the discretion of the court to penal servitude for life, or for any term not less than five years, or to imprisonment for any term not exceeding two years with or without hard labour.

Breach of official trust.

2.—(1.) Where a person, by means of his holding or having held an office under Her Majesty the Queen, has lawfully or unlawfully either obtained possession of or control over any document, sketch, plan, or model, or acquired any information, and at any time corruptly or contrary to his official duty communicates or attempts to communicate that document, sketch, plan, model, or information to any person to whom the same ought not, in the interest of the State, or otherwise in the public interest, to be communicated at that time, he shall be guilty of a breach of official trust.

(2.) A person guilty of a breach of official trust shall—

(*a.*) if the communication was made or attempted to be made to a foreign State, be guilty of felony, and on conviction be liable at the discretion of the court to penal servitude for life, or for any term not less than five years, or to imprisonment for any term not exceeding two years, with or without hard labour; and

(*b.*) in any other case be guilty of a misdemeanor, and on conviction be liable to imprisonment, with or without hard labour, for a term not exceeding one year, or to a fine, or to both imprisonment and a fine.

(3.) This section shall apply to a person holding a contract with any department of the Government of the United Kingdom, or with the holder of any office under Her Majesty the Queen as such holder, where such contract involves an obligation of secrecy, and to any person employed by any person or body of persons holding such a contract, who is under a like obligation of secrecy, as if the person holding the contract and the person so employed were respectively holders of an office under Her Majesty the Queen.

Punishment for incitement or counselling to commit offence.

3. Any person who incites or counsels, or attempts to procure, another person to commit an offence under this Act, shall be guilty of a misdemeanor, and on conviction be liable to the same punishment as if he had committed the offence.

Expenses of prosecution.

4. The expenses of the prosecution of a misdemeanor under this Act shall be defrayed in like manner as in the case of a felony.

Saving for laws of British possessions.

5. If by any law made before or after the passing of this Act by the legislature of any British possession provisions are made which appear to Her Majesty the Queen to be of the like effect as those contained in this Act, Her Majesty may, by Order in Council, suspend the operation within such British possession of this Act or of any part thereof, so long as such law continues in force there, and no longer, and such order shall have effect as if it were enacted in this Act:

Provided that the suspension of this Act, or of any part thereof, in any British possession shall not extend to the holder of an office under Her Majesty the Queen who is not appointed to that office by the Government of that possession.

The expression "British possession" means any part of Her Majesty's dominions not within the United Kingdom.

6.—(1.) This Act shall apply to all acts made offences by this Act when committed in any part of Her Majesty's dominions, or when committed by British officers or subjects elsewhere.

Extent of Act and place of trial of offence.

(2.) An offence under this Act, if alleged to have been committed out of the United Kingdom, may be inquired of, heard, and determined, in any competent British court in the place where the offence was committed, or in Her Majesty's High Court of Justice in England or the Central Criminal Court, and the Act of the forty-second year of the reign of King George the Third, chapter eighty-five, shall apply in like manner as if the offence were mentioned in that Act, and the Central Criminal Court as well as the High Court possessed the jurisdiction given by that Act to the Court of King's Bench.

(3.) An offence under this Act shall not be tried by any court of general or quarter sessions, nor by the sheriff court in Scotland, nor by any court out of the United Kingdom which has not jurisdiction to try crimes which involve the greatest punishment allowed by law.

(4.) The provisions of the Criminal Law and Procedure (Ireland) Act, 1887, shall not apply to any trial under the provisions of this Act.

50 & 51 Vict. c. 20.

7.—(1.) A prosecution for an offence against this Act shall not be instituted except by or with the consent of the Attorney-General.

Restriction on prosecution.

(2.) In this section the expression "Attorney-General" means the Attorney or Solicitor General for England; and as respects Scotland, means the Lord Advocate; and as respects Ireland, means the Attorney or Solicitor General for Ireland; and if the prosecution is instituted in any court out of the United Kingdom, means the person who in that court is Attorney-General, or exercises the like functions as the Attorney-General in England.

8. In this Act, unless the context otherwise requires—

Interpretations.

Any reference to a place belonging to Her Majesty the Queen includes a place belonging to any department of the Government of the United Kingdom or of any of Her Majesty's possessions, whether the place is or is not actually vested in Her Majesty;

Expressions referring to communications include any communication, whether in whole or in part, and whether the document, sketch, plan, model, or information itself or the substance or effect thereof only be communicated;

The expression "document" includes part of a document;

The expression "model" includes design, pattern, and specimen;

The expression "sketch" includes any photograph or other mode of representation of any place or thing;

The expression "office under Her Majesty the Queen," includes any office or employment in or under any department of the Government of the United Kingdom, and so far as regards any document, sketch, plan, model, or information relating to the naval or military affairs of Her Majesty, includes any office or employment in or under any department of the Government of any of Her Majesty's possessions.

Saving.

9. This Act shall not exempt any person from any proceeding for an offence which is punishable at common law, or by military or naval law, or under any Act of Parliament other than this Act, so, however, that no person be punished twice for the same offence.

Short title.

10. This Act may be cited as the Official Secrets Act, 1889.

CHAPTER 53.

An Act to amend the Acts relating to the Office of Paymaster General, and to make better Provision for the Discharge of the Duties of that Office.

[30th August 1889.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Power for Treasury to make regulations.

1.—(1.) The Commissioners of Her Majesty's Treasury (in this Act referred to as the Treasury) may from time to time make regulations—

(*a.*) For transferring to the Bank of England or the Bank of Ireland any of the duties performed at the passing of this Act in the office of Her Majesty's Paymaster General; and

(*b.*) For otherwise altering or rescinding the regulations in force at the passing of this Act for the conduct of business in the said office; and

(*c.*) In the case of any funds or securities required by any enactment in force at the passing of this Act to stand in the name of or be held by the Paymaster General or Assistant Paymaster General jointly with any other person, for substituting for the Paymaster General or Assistant Paymaster General any officer of the Bank of England appointed in that behalf by the Treasury, with the concurrence of the Governor and Company of the Bank of England, or any officer of any public department.

(2.) All regulations made in pursuance of this section shall be laid before Parliament within three weeks after they are made if Parliament is then sitting, and if Parliament is not then sitting, within three weeks after the then next meeting of Parliament.

(3.) The validity of any power of attorney or other authority given by the Paymaster General or Assistant Paymaster General shall not be affected by anything done in pursuance of regulations made under this section.

(4.) Nothing in or done under this section shall affect any of the provisions of the Chancery Funds Act, 1872, or of the Supreme Court of Judicature (Funds, &c.) Act, 1883. 35 & 36 Vict. c. 44. 46 & 47 Vict. c. 29.

2. Section seventeen of the Exchequer and Audit Departments Act, 1866, is hereby repealed. Repeal of 29 & 30 Vict. c. 39. s. 17.

3. This Act may be cited as the Paymaster General Act, 1889. Short title.

CHAPTER 54.

An Act to regulate the Number and Duties of the Clerks of the Court of Session and Bill Chamber in Scotland, and for other purposes. [30th August 1889.]

WHEREAS it is expedient that the number of clerks of the Court of Session should be reduced, and that provision should be made for the supervision and better distribution of the duties performed by the clerks and certain other officers of the Court of Session and of the Bill Chamber:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. The vacancies presently existing in the offices of principal clerk of Session shall not be filled up, and the office of interim principal clerk of Session shall cease and determine, and there shall be only two principal clerks of the Court of Session, who shall, in addition to the duties which they at present discharge, be vested, subject to the orders of the Lord President of the Court, with a general supervision over the whole staff of clerks in the Inner and Outer House and Bill Chamber, and shall have power, with his approval,— Reduction in number of principal clerks, and duty of supervision.

(1.) To make arrangements, as often as it shall to them seem necessary, to provide temporary assistance in the performance of clerks duties in the court of one Lord Ordinary from that of another, subject to the approval of the Lords Ordinary whose courts are affected thereby; and, if it shall become necessary under the provisions of section two of this Act, to transfer an assistant clerk from one division to the other division of the Court:

(2.) To make such arrangements for carrying on the work during vacation as shall secure a reasonable holiday leave of absence in each year to each of the before-mentioned staff of clerks:

(3.) To make such alterations as may be necessary in the distribution and allocation of the duties performed by the before-mentioned staff of clerks: Provided always, that in adjusting such alterations the principal clerks shall have regard to the existing practice under which the primary duty of the depute clerks is to attend the sittings of the respective courts to which they may be attached as chief clerks therein, and the primary duty of the assistant clerks is to give attendance at the Register House:

(4.) To suspend, for a period not exceeding six months, any of the before-mentioned staff of clerks, in event of wilful neglect of official duty; and to direct, when it seems to them necessary, that any clerk thus suspended shall provide at his own expense and to the satisfaction of the said principal clerks a temporary assistant to discharge the duties of his office, or, in the event of his failing or delaying to provide such assistant, to appoint a competent person to perform the said duties, whose remuneration shall be deducted from the salary payable to the said clerk:

(5.) To make such arrangements as may be necessary for the preparation of returns ordered by Parliament, and from time to time to select one or more of the before-mentioned staff of clerks, or such other qualified person or persons as the said principal clerks may think proper, to prepare any such return.

Reduction in number of assistant clerks in Inner House, and permanent appointment of sub-assistants.

2. No vacancy in the office of assistant clerk in the Inner House shall be filled up until the number shall have fallen to one, and thereafter there shall be two assistant clerks, one for each division of the Court, who shall be termed Inner House depute clerks, and who shall, when desired by the principal clerk, and under his supervision when present, and otherwise under the supervision of the Court, take part in writing interlocutors and afford such other assistance as may be required, and for that purpose attend in Court during its sittings from day to day. The present interim principal and assistant clerk in the First Division (who shall during his tenure of office retain the status and emoluments which he at present holds) and the present senior assistant clerk in the Second Division shall respectively, from and after the passing of this Act, be designed as Inner House depute clerks, and shall continue to discharge the duties which they at present respectively perform. The interim office of sub-assistant clerk to the Inner House shall be made perpetual under the designation of "ordinary clerk," and there shall be two ordinary clerks, one attached to each division of the Court who shall attend at the Register House in the absence of the Inner House depute clerks, shall have the same powers of certifying Interlocutors and processes in appeals to the House of Lords as are at present exercised by the assistant clerks, and shall generally assist the depute clerk in the performance of his duties. The Inner House depute clerks and the ordinary clerks shall be paid out of moneys to be provided by Parliament such salaries as the Treasury shall from time to time determine, having due regard to the conditions and circumstances under which the present officers were appointed.

Transfer of petitions to Bill Chamber.

3. And whereas it is desirable that a portion of the work at present falling upon the clerks of the Court of the Junior Lord

Ordinary should be performed by the clerks of the Bill Chamber, be it enacted, as follows:

All summary petitions and applications, which are at present, under the provisions of section four of the Act twenty and twenty-one Victoria, chapter fifty-six (intituled An Act to regulate the distribution of business in the Court of Session in Scotland), appropriated to the Court of the Junior Lord Ordinary, shall, from and after the date at which this Act comes into operation, be presented and disposed of in the Bill Chamber, and the custody of all processes relative to such summary applications and petitions shall be transferred to the Clerk of the Bills and his assistants, who shall exercise all powers and discharge all duties in reference to the procedure in such applications and petitions as are at present competent to and incumbent upon the clerks in the Court of the Junior Lord Ordinary; and such applications may be made and petitions presented and disposed of and orders pronounced thereon at all times by the Junior Lord Ordinary in Session and by the Lord Ordinary on the Bills in vacation.

Provided that nothing herein contained shall affect the form of such applications and petitions, or of the interlocutors to be pronounced therein, or the preparation of extracts of Decrees pronounced therein, or shall increase or alter the powers presently possessed during vacation by the Lord Ordinary on the Bills, who shall have the same powers, including that of reporting to the Inner House, as are at present exercised by the Junior Lord Ordinary.

Transfer of clerk to Bill Chamber.

4. The present interim assistant clerk in the office of the Clerks of the Court of the Junior Lord Ordinary shall be transferred to the office of the Bill Chamber under the designation of "ordinary clerk," but in the event of his vacating office, or of a vacancy otherwise occurring in the office of ordinary clerk of the Bill Chamber, the same shall not be filled up, but the staff of the Bill Chamber shall consist of the Clerk of the Bills, of an assistant clerk, and an ordinary clerk.

Sole remuneration to be fixed salary.

5. And be it enacted that the sole remuneration of the clerks of court shall be their fixed salaries, for which they shall perform all the duties imposed and incumbent on them in virtue of their respective appointments, and all fees of every description heretofore in use to be charged or collected in their offices, and all fees and emoluments which may hitherto have been charged or retained by the said clerks for their own use, shall in future only be exacted when sanctioned by the Lord Advocate with the approval of the Commissioners of Her Majesty's Treasury: Provided always, that nothing herein contained shall be construed to prohibit the principal clerks from charging and receiving the additional remuneration provided for their services in election petitions under the provisions of section forty-eight, sub-section twelve, of the Act thirty-one and thirty-two Victoria, chapter one hundred and twenty-five, or any clerk from receiving any additional remuneration authorised by the Commissioners of Her Majesty's Treasury for special duties which have been or may be imposed by Act of Parliament.

Appointment of clerk to keeper of Minute Book to be vested in Crown.

6. Section twenty-one of the Act one and two Victoria, chapter one hundred and eighteen, is hereby repealed in so far as it regulates the appointment and remuneration of the clerk to the keeper of the Minute Book and Record of Edictal Citations; and the right to appoint to and dismiss from the office of clerk to the keeper of the Minute Book and Record of Edictal Citations, shall hereafter be vested in Her Majesty, Her heirs and successors, acting on the advice of Her Majesty's Secretary for Scotland; and the said clerk to the keeper of the Minute Book shall in future be paid out of moneys to be provided by Parliament such amount as the Treasury shall from time to time determine.

Principal clerks to supervise office of keeper of the Minute Book.

7. The keeper of the Minute Book and Record of Edictal Citations and his clerk shall hereafter be under the general supervision of the principal clerks of Session, who shall have power to regulate the hours and attendance of all future holders of these offices, and any regulations made by the said principal clerks shall be subject to the approval of the Lord President of the Court.

Superannuation allowances.

8. No person herein-after appointed to any office in the Court of Session or Bill Chamber shall be entitled to superannuation unless he has been admitted to his office with a certificate from the Civil Service Commissioners, or holds his appointment directly from the Crown: Provided that it shall be lawful for the Treasury, if and so far as they see fit, to grant superannuation to persons serving in the said court or chamber at the date of the passing of this Act in all respects as if they had been admitted to their respective offices with certificates or held their appointment as aforesaid.

Fees payable in maritime and consistorial causes.

9. Section forty of the Act eleven George the Fourth, and one William the Fourth, chapter sixty-nine, is hereby repealed in so far as it exempts maritime and consistorial causes from the ordinary fees exigible in the Court of Session, and in future the same fees shall be due and exigible in maritime and consistorial causes as are at present exigible in any ordinary action in the Court of Session: Provided that it shall be competent to the Lord Ordinary in any consistorial cause, upon cause shown, to declare that it shall not be subject, or shall be subject only to a modified extent, to payment of court dues.

Amendment of 50 & 51 Vict. c. 35. s. 73.

10. Section seventy-three of the Act fifty and fifty-one Victoria, chapter thirty-five, is hereby amended to the effect of substituting the words "principal clerks" for the words "senior depute clerk" therein contained.

Macer to officiate in Court of Justiciary if specially required.

11. Any macer of the Court of Session who is not at the time engaged in the Court to which he is attached, shall, on a request addressed by the Crown Agent to either of the principal clerks, be bound to perform the duty of macer in the High Court of Justiciary at any sitting of the said court.

Eligibility of law agents for offices.

12. From and after the passing of this Act, any law or practice to the contrary notwithstanding, all clerkships in the Court of Session and Bill Chamber shall be open to and may be competently held by any duly certificated and enrolled law agent.

13. Nothing in this Act contained shall be construed so as to interfere with the powers previously vested in the Court of Session to make regulations by Act of Sederunt for the purpose of apportioning and regulating the duties to be performed by the several clerks and officers of court.

Court to make Acts of Sederunt.

14. This Act shall commence and take effect on and after the first day of October one thousand eight hundred and eighty-nine, and may for all purposes be cited as the Clerks of Session (Scotland) Regulation Act, 1889.

Commencement of Act and short title.

CHAPTER 55.

An Act for the better Administration and Endowment of the Universities of Scotland. [30th August 1889.]

WHEREAS it is expedient to make provision for the better administration and endowment of the Universities of St. Andrews, Glasgow, Aberdeen, and Edinburgh, and for improving and regulating the course of study therein:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Preliminary.

1. This Act may be cited as the Universities (Scotland) Act, 1889.

Short title.

2. This Act shall, so far as is consistent with the tenor thereof, be read and construed along with an Act passed in the Parliament held in the twenty-first and twenty-second years of the reign of Her present Majesty, intituled "An Act to make provision for the "better government and discipline of the Universities of Scotland, "and improving and regulating the course of study therein; and "for the union of the two Universities and colleges of Aberdeen"; and the said Act may henceforth be cited for all purposes as the Universities (Scotland) Act, 1858.

Construction of Act.

21 & 22 Vict. c. 83.

3. "The Treasury" means the Commissioners of Her Majesty's Treasury.

Definitions.

"Public moneys" means "moneys provided by Parliament," or "moneys issuing out of the Consolidated Fund."

"Universities Committee" means the Scottish Universities Committee of the Privy Council, constituted by this Act.

"University" means Scottish University.

"Affiliation" for the purposes of this Act means such a connexion between an existing University and a college as shall be entered into by their mutual consent, under conditions approved by the Commissioners, or, after the determination of their powers, by the Universities Committee.

"The Commissioners" means the Commissioners appointed under this Act.

"College," where by the context it does not apply to a college presently forming part of any University, means any institution established on a permanent footing for the purpose of teaching the higher branches of education which shall be sufficiently endowed in the opinion of the Commissioners, and after the expiry of their powers of the Universities Committee.

"Governing body" means a body constituted on a permanent footing, and charged, by Act of Parliament, Royal Charter, deed of endowment and trust, or otherwise, with the management and administration of any fund devoted to higher education.

"Students representative council" means a students representative council in any University, constituted in such manner as shall be fixed by the Commissioners under this Act.

Commencement of Act.

4. This Act shall come into operation, except as herein-after provided, on the first day of January one thousand eight hundred and ninety, which date is in this Act referred to as the commencement of this Act.

Part I.

Constitution of University Court.

University Courts.

5.—(1.) The University Courts shall consist of—

(i.) In the University of St. Andrews:—

- (*a.*) The rector.
- (*b.*) The principal as herein-after defined.
- (*c.*) The principal of St. Mary's College, and the principal of University College, Dundee, if and when the said college shall be affiliated to and made to form part of the University.
- (*d.*) An assessor nominated by the Chancellor.
- (*e.*) An assessor nominated by the rector.
- (*f.*) The Provost of St. Andrews for the time being.
- (*g.*) The Provost of Dundee for the time being.
- (*h.*) Four assessors elected by the general council.
- (*i.*) Three assessors elected by the Senatus Academicus.
- (*k.*) Such number, not exceeding four in all, of representatives of affiliated colleges as may be appointed under and subject to the arrangements made in terms of section fifteen, subsection (4), of this Act.

(ii.) In the University of Glasgow:—

- (*a.*) The rector.
- (*b.*) The principal.
- (*c.*) The Lord Provost of Glasgow for the time being.
- (*d.*) An assessor nominated by the Chancellor.
- (*e.*) An assessor nominated by the rector.
- (*f.*) An assessor nominated by the Lord Provost, magistrates, and town council of Glasgow.
- (*g.*) Four assessors elected by the general council.
- (*h.*) Four assessors elected by the Senatus Academicus.
- (*i.*) Such number, not exceeding four in all, of representatives of affiliated colleges as may be appointed under and subject to the arrangements made in terms of section fifteen, subsection (4), of this Act.

(iii.) In the University of Aberdeen:—
- (*a.*) The rector.
- (*b.*) The principal.
- (*c.*) The Lord Provost of Aberdeen for the time being.
- (*d.*) An assessor nominated by the Chancellor.
- (*e.*) An assessor nominated by the rector.
- (*f.*) An assessor nominated by the Lord Provost, magistrates, and town council of Aberdeen.
- (*g.*) Four assessors elected by the general council.
- (*h.*) Four assessors elected by the Senatus Academicus.
- (*i.*) Such number, not exceeding four in all, of representatives of affiliated colleges as may be appointed under and subject to the arrangements made in terms of section fifteen, subsection (4), of this Act.

(iv.) In the University of Edinburgh:—
- (*a.*) The rector.
- (*b.*) The principal.
- (*c.*) The Lord Provost of Edinburgh for the time being.
- (*d.*) An assessor nominated by the Chancellor.
- (*e.*) An assessor nominated by the rector.
- (*f.*) An assessor nominated by the Lord Provost, magistrates, and town council of Edinburgh.
- (*g.*) Four assessors elected by the general council.
- (*h.*) Four assessors elected by the Senatus Academicus.
- (*i.*) Such number, not exceeding four in all, of representatives of affiliated colleges as may be appointed under and subject to the arrangements made in terms of section fifteen, subsection (4), of this Act.

Provided always, that the total number of representatives of affiliated colleges in the University Court of any university may be increased by the Commissioners or, after the expiration of their powers, by the Universities Committee, if in their opinion respectively special circumstances should arise to require such increase.

Seven members of each University Court shall be a quorum.

The rector may, before he appoints his assessor, confer with the students representative council.

Election and term of office of assessors.

(2.) The existing rector of each University and the assessor nominated by him shall continue in office until the expiry of the period for which they were appointed, and every future rector and rector's assessor shall continue in office for three years, but in the event of the Chancellor or rector ceasing to hold office his assessor shall continue to be a member of the University Court until an assessor is nominated by the new Chancellor or rector and no longer. The other assessors, except as herein-after provided, shall continue in office for four years; but all assessors shall be eligible for re-election, and no principal or professor of any University shall be elected rector or be nominated or elected assessor to any other person or body than the Senatus Academicus.

The Commissioners shall have power, immediately after the passing of this Act, to regulate the time, place, and manner of the first election of the three additional assessors to be elected under this Act by the general council and Senatus Academicus of each of the Universities of Glasgow, Aberdeen, and Edinburgh respectively, and shall appoint such election to be held on or before the twentieth day of December one thousand eight hundred and eighty-nine.

The assessor of the general council of each University in office at the passing of this Act shall continue in office for two years from the date of the elections of the additional assessors, and the Commissioners shall regulate the period for which the three new assessors to be elected by the general council shall hold office, having regard to the time at which the existing assessor of the general council of each University falls to retire, so as to provide that in future two such assessors shall retire from office biennially; and the general council shall each second year elect two successors to the retiring assessors, and in the event of a casual vacancy the person elected to fill such vacancy shall go out of office at the date when the person whom he succeeded would in the ordinary rotation have retired. No member of the Senatus Academicus of any University shall be entitled to vote or take part in the election of any assessor of the general council of that University.

The assessor of the Senatus Academicus of each University in office at the passing of this Act shall continue in office for such period not exceeding four years in all from the date of his election as the Commissioners shall appoint; and the Commissioners shall regulate the period for which the new assessors to be elected by the Senatus Academicus of each University shall hold office, so as to provide in future for a regular system of rotation, and, in the event of a casual vacancy, the person elected to fill such vacancy shall go out of office at the date when the person whom he succeeded would in the ordinary rotation have retired.

Incorporation of University Court.

(3.) The University Court shall be a body corporate with perpetual succession and a common seal, which shall be judicially noticed, and all the property, heritable and moveable, belonging to the University, or to any existing college forming part of the University at the passing of this Act, whether the title to such property has been taken in the name of the University or such college, or in name of any person or persons in trust for or on behalf of the University or such college, shall be and is hereby vested in the University Court from and after the date at which the new University Court under this Act shall have been declared by the Commissioners to have been duly constituted: And so much of the third section of the Edinburgh University Property Arrangement Act, 1861, as transfers to and vests in the Senatus Academicus of the said University the several properties and revenues enumerated in Schedule A. thereto annexed shall be and is hereby repealed as from the said date.

24 & 25 Vict. c. 90.

Courts hereby constituted to be in place of existing Courts.
21 & 22 Vict. c. 83.

(4.) The University Courts as hereby constituted shall be in place of those constituted by sections eight, nine, ten, and eleven of the Universities (Scotland) Act, 1858, and the said sections shall be and are hereby repealed; but every court constituted by the said sections shall continue in office until such time as the new University Court under this Act shall have been declared by the Commissioners to have been duly constituted, and shall, while so continuing in office, exercise the powers conferred on University Courts by the Universities (Scotland) Act, 1858, but shall not exercise any of the additional powers conferred on University Courts by this Act, except the power of consenting to the affiliation of a new college.

President of meetings of Courts.

(5.) The rector, and in his absence the principal, shall preside at meetings of the University Court, and in the absence of both of them a chairman for the time shall be elected by the meeting. The person presiding at any meeting of the University Court shall have a deliberative vote, and also a casting vote in case of equality.

Principal of St. Andrew's University.

(6.) In St. Andrew's University the principal of the United College of St. Salvator and St. Leonard shall, in addition to his office as such, possess the title and status and discharge the functions of principal of the said University, but without any claim to additional salary by reason of this enactment.

Powers of the University Court.

Powers of University Court.

6. The University Court, in addition to the powers conferred upon it by the Universities (Scotland) Act, 1858, shall, subject to any ordinances made by the Commissioners, have power—

(1.) To administer and manage the whole revenue and property of the University, and the college or colleges thereof existing at the passing of this Act, including the share appropriated to such University out of the annual grant herein-after mentioned, and also including funds mortified for bursaries and other purposes, and to appoint factors or collectors, to grant leases, to draw rents, and generally to have all the powers necessary for the management and administration of the said revenue and property:

(2.) To review any decision of the Senatus Academicus on a matter within its competency which may be appealed against by a member of the Senatus, or other member of the University having an interest in the decision, within such time as may be fixed by the Commissioners, and to take into consideration all representations and reports made to it by the Senatus Academicus and by the general council:

(3.) To review, on representation made by any of its members, or by any member of the Senatus Academicus, within such time as may be fixed by the Commissioners, any decision which the Senatus Academicus may come to in the exercise of its powers under section seven, sub-section one: Provided always, that the University Court shall not review any decision of the Senatus Academicus in a matter of discipline, except upon appeal taken either by a member of the Senatus or by a member of the University directly affected by such decision:

(4.) To appoint professors whose chairs are, or may come to be, in the patronage of the University; to appoint examiners and lecturers; and to grant recognition to the teaching of any college or individual teacher for the purposes of graduation, under any regulations on the subject laid down by the Commissioners, which regulations after the expiration of their powers may from time to time be modified or altered by the Universities Committee:

(5.) To define on application by any member of the Senatus Academicus the nature and limits of a professor's duties under his commission, subject to appeal to the Universities Committee:

(6.) To take proceedings against a principal or professor, University lecturer, assistant, recognised teacher or examiner, or any other person employed in teaching or examining under section twelve, sub-section five, of the Universities (Scotland) Act, 1858, without the necessity of any one not a member of the Court appearing as prosecutor, and for the purposes of such proceedings to call before it any member of the University to give evidence, and to require the production of documents, and also to institute and conduct any such inquiries as it may deem necessary:

(7.) To appoint from among members of the University or others, not being members of the Senatus Academicus, one third of the members of any standing committee or committees charged, by ordinance of the Commissioners under this Act, with the immediate superintendence of any libraries or museums, or the contents thereof, belonging to the University and college or colleges thereof existing at the passing of this Act, and on representation made by any of its members, or by any member of the Senatus Academicus, to review any decision which the Senatus Academicus, in the exercise of its powers, may come to in respect of the recommendations of such committee or committees:

(8.) To appoint committees of its own number consisting of not less than five members, with powers to report on any business that may be entrusted to them by the University Court, or to carry out special instructions ordered by the University Court:

(9.) To elect the representative of the University on the General Medical Council, under the Medical Act, 1886:

(10.) After the expiration of the powers of the Commission to found new professorships with the approval of the Universities Committee, and after such expiration no new professorship shall be founded except as herein provided.

Senatus Academicus.

Powers of Senatus Academicus.

7. The Senatus Academicus shall continue to possess and exercise the powers hitherto possessed by it so far as they are not modified or altered by the Universities (Scotland) Act, 1858, or by this Act, and shall have power—

(1.) To regulate and superintend the teaching and discipline of the University:

(2.) To appoint two-thirds of the members of any standing committee or committees charged by ordinance of the Commissioners with the immediate superintendence of any libraries or museums, or the contents thereof, belonging to the University and college or colleges thereof existing at the passing of this Act; and to receive in the first instance all reports by such committee or committees, and subject to the review of the University Court, to confirm, modify, or reject the recommendations in such reports.

General Council.

Meetings and quorum of General Council.

8. In addition to the meetings prescribed by section six of the Universities (Scotland) Act, 1858, the General Council of each University may hold special meetings at the instance of the Chancellor, who shall convene such meetings on a requisition from a quorum of members, and the Council may adjourn any meeting, and may appoint committees to investigate into and report upon any matter remitted to them or to carry out instructions given to them by the Council.

The quorum of the General Council shall be such number not less than ten for every complete thousand on the register as the Commissioners shall fix, but this provision shall not apply to the statutory half-yearly meetings.

Universities Committee of Privy Council.

Constitution of Scottish Universities Committee of Privy Council.

9. There shall be a Committee of Her Majesty's Privy Council styled the Scottish Universities Committee of the Privy Council.

The Universities Committee shall consist of the Lord President of the Privy Council, the Secretary for Scotland, the Lord Justice General, if a member of the Privy Council, the Lord Justice Clerk, if a member of the Privy Council, the Lord Advocate, if a member of the Privy Council, the Chancellor of each of the Universities, if a member of the Privy Council, the Lord Rector of each of the Universities, if a member of the Privy Council, one member at least of the Judicial Committee of the Privy Council, and such other member or members of the Privy Council as Her Majesty may from time to time think fit to appoint.

The powers and duties of the Universities Committee may, subject to any rules or regulations which may from time to time be passed by Her Majesty in Council, be exercised and discharged by any three or more of the members of the Committee, one of whom shall be a member of the Judicial Committee of the Privy Council or one of Her Majesty's Senators of the College of Justice in Scotland.

Part II.

Commissioners.

Appointment of Commissioners.

10. The following persons, that is to say, Alexander Smith Kinnear, Esquire, one of the Senators of the College of Justice; the Most Honourable John Patrick Crichton-Stuart, Marquess of Bute, K.T.; the Right Honourable Victor Alexander Bruce, Earl of Elgin and Kincardine; the Right Honourable Sir Francis Richard Sandford, K.C.B.; William Mackintosh, Esquire, one of the Senators of the College of Justice; Sir Charles Dalrymple, Baronet; Sir Arthur Mitchell, K.C.B.; Sir Henry Enfield Roscoe;

James Alexander Campbell, Esquire; Alexander Craig Sellar, Esquire; Donald Crawford, Esquire; Sir William Thomson; Walter Graham Blackie, Esquire; Samuel Henry Butcher, Esquire; Patrick Heron Watson, Esquire; and Frederick Fuller, Esquire, are constituted Commissioners under this Act, and it shall be lawful for Her Majesty to appoint a Secretary to the Commissioners.

Constitution of Commission.

11. The Commissioners shall be styled the Scottish University Commissioners, and shall be a body corporate with a common seal which shall be judicially noticed.

Five Commissioners shall be a quorum.

The Commissioners and secretary shall hold their offices during Her Majesty's pleasure, and if any vacancy occurs in the office of any Commissioner, or in the office of chairman or secretary, by reason of death, resignation, incapacity, or otherwise, Her Majesty may, by warrant under Her sign manual, appoint some other fit person to fill the vacancy.

The Commissioner first named in this Act shall be chairman, and in the event of his absence from any meeting the Commissioners present shall choose some one of their number to be chairman of such meeting.

In case of an equality of votes at any meeting the chairman of such meeting shall have a second or casting vote.

Any act of the Commissioners shall not be invalid by reason only of a vacancy in their body, but, if at any time, and as long as, the number of persons acting as Commissioners is less than five, the Commissioners shall discontinue the exercise of their powers.

Officers and office and expenses of Commissioners.

12. The Commissioners may, with the assent of the Treasury, appoint such number of clerks and other officers as they may deem necessary for the purposes of this Act. They may from time to time remove any person appointed under this section, and fill up the vacancy caused by such removal.

There shall be paid to the secretary, clerks, and other officers appointed in pursuance of this Act, such remuneration as the Treasury may determine out of moneys provided by Parliament.

The Commissioners shall have an office in Edinburgh, and the expenses of such office, and all reasonable travelling and other expenses incurred by the Commissioners and the secretary, shall be defrayed out of moneys provided by Parliament.

The provisions of this and the two preceding sections shall take effect from and after the passing of this Act.

Determination of powers of Commissioners.

13. The powers of the Commissioners shall be in force until the first day of January one thousand eight hundred and ninety-two, but it shall be lawful for Her Majesty from time to time by Order in Council to continue the same for such time as Her Majesty thinks fit.

Powers of Commissioners.

Powers of Commissioners.

14. The Commissioners shall have power to call before them the principals, professors, University lecturers, assistants, recognised teachers, students, and examiners, or any other person employed in teaching or examining, or bearing office in or otherwise connected with the Universities or colleges thereof existing at the passing of this Act, and such other persons as they may think proper, and to examine them as to all rules and ordinances now in force in the Universities or colleges, and to require the production of all documents and accounts relating thereto, and after making due inquiry to make ordinances for all or any of the following purposes, as shall to them seem expedient:—

(1.) To regulate the foundations, mortifications, gifts, endowments and bursaries, held by any of the Universities or colleges thereof existing at the passing of this Act, or by any person in trust for or on behalf of the same, or for the benefit of any professors, students, or others therein, which have taken effect for more than twenty-five years previously to the passing of this Act, or if given within less than twenty-five years, are wholly or partially inoperative or dormant, or which they may be asked to revise and regulate by the Senatus Academicus and the founder of the trust conjointly, with the approval of the University Court, and in particular—

(*a.*) To alter the conditions or directions affecting the same, if it shall appear to the Commissioners that the interests of learning and the main design of the donor, so far as is consistent with the promotion of such interests, may be better advanced by such alteration;

(*b.*) To combine or divide bursaries, and to establish bursary funds;

(*c.*) Where it shall seem requisite to frame regulations under which the patronage of existing bursaries vested in private individuals, or corporate or other bodies, shall be exercised;

(*d.*) To transfer the patronage of professorships now vested in private individuals or corporate or other bodies, other than the Curators of the University of Edinburgh, to the University Court:

Provided always, that where a professorship, the patronage of which is so transferred, shall have been maintained, or partially maintained, by funds provided annually or periodically by any corporate or other body, in which, or in the governing body of which, such patronage shall, in consideration of such annual or other periodical payment, have been vested, it shall upon such transfer be in the option of such corporate or other body to cease making such annual or other periodical payments.

Provided also, that nothing in this sub-section shall apply to any bursary or endowment granted by any incorporation or society whose funds, capital, or revenue have been and are contributed and paid by the members of such incorporation or society by way of entry moneys or other fixed or stated contributions.

Provided also, that in all cases where competition for bursaries and other endowments is at present restricted to the holders of certain degrees, the Commissioners shall have power to extend it to the holders of such other degrees as they may consider to constitute, in the circumstances, an equivalent standard of merit.

Provided also, that in framing such regulations or making such alterations the Commissioners shall take care not to diminish the advantages provided for poor students by such foundations, mortifications, gifts, endowments, or bursaries aforesaid;

(*e.*) To prepare a scheme by which a detailed and reasoned report on the qualifications of candidates for chairs may be submitted to the patrons, including the Crown, so as to assist them in the discharge of their patronage:

21 & 22 Vict. c. 83.

(2.) Subject to the provisions of the Universities (Scotland) Act, 1858, as amended by this Act, to regulate the powers, duties, jurisdictions, and privileges of chancellors, rectors, assessors, principals, professors, University lecturers, assistants, recognised teachers or examiners, or any other person employed in teaching or examining, and all other members of or office bearers in the Universities or colleges thereof existing at the passing of this Act, and of the Senatus Academicus, the Faculties, the General Council, and the University Court, as well with respect to the government policy and discipline of the University as to the management and disposal of the revenues and endowments thereof, and to abolish professorships or other offices which may appear to the Commissioners to be unnecessary, whether constituted by Act of Parliament or otherwise:

(3.) To regulate and alter the constitution, composition, and number of the faculties, to regulate and alter the designations of professorships, and to create new faculties:

(4.) To regulate the time, place, and manner of presenting and electing University officers, with power to ordain that in the election of the rectors of the Universities of Glasgow and Aberdeen the election shall be determined by the majority of the votes of all the students voting whenever the votes of the nations shall be equally divided:

(5.) To regulate the management and ordering of the Universities, and the manner and conditions in and under which students shall be admitted thereto, and in particular—

(*a.*) The amount, manner of payment, and appropriation of fees and other payments made by students;

(*b.*) The course of study, and manner of teaching, the length of the academical session or sessions, the manner of examination, the qualifications, appointment, and number of examiners, and the amount and manner of their remuneration;

(*c.*) The awarding of compensation to existing professors where compensation seems to the Commissioners to be equitably due taking all the circumstances into account;

(*d.*) The granting of degrees and the institution of new degrees;

(*e*.) The institution of an examination either on entering the University, or as a preliminary condition of entering on the course of study for a degree in any faculty, or of both such examinations:

(6.) To enable each University to admit women to graduation in one or more faculties, and to provide for their instruction:

(7.) To regulate the salaries of principals, professors, lecturers, and assistants of professors and other University officers, to provide for the appointment of assistants, and to determine by whom the right of appointing assistants shall be exercised:

(8.) To found new professorships, lectureships, or teaching fellowships where such a course seems desirable and where there are sufficient means for their endowment or support, either from the funds administered by the Commissioners or otherwise, and to determine in what authority the patronage of such professorships, lectureships, or teaching fellowships shall be vested, and to make provision, if they think it expedient, for increasing the teaching power of any University whether by extra-mural teaching or otherwise; and to make regulations under which University Courts may grant recognition to the teaching of any college or individual teacher for the purposes of graduation:

(9.) To lay down the conditions and the scale on which pensions may be granted to principals and professors appointed by the Crown after the sixth day of April one thousand eight hundred and eighty-two, and to all principals and professors to be appointed after the passing of this Act:

(10.) To ensure the due preservation and administration of the whole property, rents, revenues, endowments, and funds of the Universities, the preservation and maintenance of all the fabrics and buildings of or connected with the Universities or colleges thereof existing at the passing of this Act, and the better custody and management of any libraries, museums, and laboratories thereto belonging, or of the contents thereof, and of any collections, furniture, apparatus, or objects acquired or to be acquired for the use of the Universities, or of any class therein, and to make such provision as they may think necessary to enable the Senatus Academicus, the General University Court, and the General Council to discharge their duties:

(11.) To provide for the payment and extinction of any debts forming a present burden on such property, rents, revenues, endowments or funds, of any University or college thereof existing at the passing of this Act, by means of any of the property, rents, revenues, endowments, and funds thereof; and to direct or authorise the sale of lands and heritages belonging to the Universities or such colleges, or of museums or collections or other property belonging to or administered by them, and to direct how the proceeds of such sales are to be appropriated or reinvested, having due regard to the objects for which such property is held by the Universities and such colleges:

(12.) To lay down regulations for the constitution and functions of a students representative council in each University, and to frame regulations under which that council shall be entitled to make representations to the University Court:

(13.) To frame regulations for enabling the registrar of each university more effectively to perform the duties imposed upon him by the Act of the thirty-first and thirty-second years of the reign of Victoria, chapter forty-eight:

(14.) To establish, after the first day of January one thousand eight hundred and ninety-two, or such later date as Her Majesty may by Order in Council fix as the time when the powers of the Commissioners shall expire, a General University Court of the four Universities, with a view of taking in review the general interests of the Universities, especially in regard to degrees and examinations, and with the duty of reporting to Her Majesty on new ordinances, or changes in existing ordinances, affecting all or any of the Universities, and with power to report to the Secretary for Scotland on matters connected with the Universities upon which they may deem it to be of importance to represent their views, or upon subjects which may be specially referred to them by the Secretary for Scotland:

(15.) To fix the limits of time within which appeals may be lodged and representations may be made under section six, sub-sections two and three hereof:

(16.) To repeal or modify any ordinance made under the provisions of the Universities (Scotland) Act, 1858. 21 & 22 Vict. c. 83.

Extension of Universities.

Extension of Universities.

15. The Commissioners may, if they think fit, make ordinances to extend any of the Universities, by affiliating new colleges to them, and after the expiration of their powers the University Court may make similar ordinances, under regulations to be laid down by the Commissioners, or after the expiry of their powers by the Universities Committee, subject to the following conditions:—

(1.) The University Court and the college shall be consenting parties.

(2.) In cases arising after the expiration of the powers of the Commissioners the approval of the Universities Committee shall have been signified.

(3.) The University Court, or any college which under this Act shall have been affiliated to the University, may respectively at any time thereafter resolve that such college shall cease to be affiliated to such University; and, upon such resolution being passed by the University Court, or notified to the University Court by such college, the University Court shall, subject to the approval of the Universities Committee, rescind the ordinance by which such college was affiliated to such University.

(4.) The Commissioners, and after the expiry of their powers the Universities Committee, shall make arrangements, where it seems desirable, for the due representation of the University Court on the governing bodies of affiliated colleges, and of the governing bodies of affiliated colleges in the University Court, having regard to the circumstances of each particular case, to the relative numbers in the University and the college of the teaching staffs and of students proceeding to graduation, to the nature of the connexion proposed to be established, and to the purposes for which such representation is desirable. Provided always that these arrangements may include a limitation of the right of the persons so representing the University Court or the affiliated college, as the case may be, to sit and vote while any particular subject or subjects are under consideration.

(5.) No person who, at the date of any college being affiliated to a University, under the provisions of this Act, shall hold or possess the office of Head, Principal, or Master in such College, or who shall thereafter be appointed or admitted to the office of Head, Principal, or Master in such College, shall in respect only of holding, possessing, or of being appointed or admitted to such office be entitled or bound to become a contributor to the fund established and regulated by the Acts passed in the nineteenth year of the reign of His late Majesty George III., chapter twenty, and in the fifty-fourth year of His said late Majesty, chapter one hundred and sixty-nine, for the better raising and securing a Fund for a Provision for the Widows and Children of the Ministers of the Church of Scotland, and of the Heads, Principals, and Masters in the Universities of Saint Andrews, Glasgow, Edinburgh, and Aberdeen, but nothing in this Act contained shall alter or affect the right or liability of any person to contribute to said fund who would have been entitled or bound to do so if this Act had not been passed.

Powers with respect to University of St. Andrews and University College of Dundee.

16. Without prejudice to any of the powers herein-before conferred, the Commissioners shall, with respect to the University of St. Andrews and the University College of Dundee, have power—

(1.) To affiliate the said University College to and make it form part of the said University, with the consent of the University Court of St. Andrews, and also of the said college with the object, inter alia, of establishing a fully equipped conjoint University School of Medicine, having due regard to existing interests, and to the aims and constitution of the said college, as set forth in its deed of endowment and trust.

(2.) In the event of the said University College being affiliated to and made to form part of the said University, to regulate the time, place, and manner of the first election of the assessors to be elected to the University Court by the General Council and by the Senatus Academicus of the said University after such affiliation, which election the Commissioners shall appoint to take place as soon as conveniently may be after such affiliation, and, in the event of such affiliation not taking place within such time after the passing of this Act as the Commissioners shall consider reasonable, they may regulate the time, place, and manner of such election as seems to them best.

Tests.

Abolition of tests in certain cases.

17. The second, fourth, and fifth sections of the Act of the sixteenth and seventeenth years of Her present Majesty, chapter eighty-nine, are hereby repealed, and the Act of the twenty-second and twenty-third years of Her present Majesty, chapter twenty-four, is also repealed in so far as it provides that any person shall make or subscribe the declaration set forth in the second section of the first-mentioned Act.

Theological tests.

18. The Commissioners shall have power to take such evidence as they think proper, with a view to ascertain whether any and what changes as to the subscription of tests by principals, professors, and other University officers are necessary and expedient, and shall make a special report upon that matter to Her Majesty.

Procedure.

Universities may lodge draft ordinances.

19.—(1.) The University Court of any University may, within three months after the commencement of this Act, give notice in writing to the Commissioners of their intention to submit draft ordinances relating to such University, and every such draft ordinance shall, before being submitted to the Commissioners, be communicated to the Senatus Academicus, whose opinion thereon shall be taken into consideration by the University Court; and if after such notice they submit such draft ordinances within six months after the commencement of this Act, the Commissioners shall take them into consideration in preparing ordinances for such University.

(2.) When the Commissioners have prepared the draft of any ordinance they shall cause it to be printed, and printed copies of it to be sent to the University Court, the Senatus Academicus, and the General Council of each University to which such ordinance relates; and shall also at the same time cause it to be published in such manner as they think sufficient for giving information to all persons interested.

(3.) During three months after the transmission to the University Court of any University of the draft of any ordinance relating to such University, the Commissioners shall receive any objections respecting such ordinance, and any amendments proposed thereon, submitted to them in writing by the University Court or the Senatus Academicus or the General Council, or by any member or members of any of them, or by any public body or persons directly affected thereby, and as soon as may be after the expiration of the said three months the Commissioners shall proceed to consider such objections and amendments. Provided that in computing the period of three months for the purposes of this section the months of August and September shall not be counted, nor any part thereof.

Ordinances made by the Commissioners.

Ordinances to be laid before Parliament and approved by Her Majesty

20.—(1.) All ordinances made by the Commissioners shall be published in the Edinburgh Gazette for four consecutive weeks, and shall be at the same time laid before both Houses of Parliament, if Parliament be sitting, or if not, then within three weeks after the commencement of the next ensuing session of Parliament, and shall thereafter be submitted for the approval of Her Majesty in Council, and if neither House of Parliament within twelve weeks, exclusive of any period of prorogation, after an ordinance or part of an ordinance has been laid before it, presents an address praying the Queen to withhold her assent from such ordinance or any part thereof, it shall be lawful for the Queen in Council by order to approve the same or any part thereof to which such address does not relate.

in Council in whole or in part.

(2.) It shall be lawful for the University Court, Senatus Academicus, or General Council of any University, or any governing body, and for the trustees or patron of any foundation, mortification, bursary, or endowment, or for any other person directly affected by any such ordinance, within one month after the last publication thereof in the Gazette to petition Her Majesty in Council to withhold Her approbation of the whole or any part thereof, and it shall be lawful for Her Majesty in Council to refer such petition to the Universities Committee, and to direct that they shall hear the petitioner or petitioners by themselves or by counsel, and report specially to Her Majesty in Council on the matter of the said petition; and it shall be lawful for Her Majesty, by Order in Council, either to declare Her approbation of any such ordinance, in whole or in part, or to signify Her disapproval thereof, in whole or in part, and in case of such disapproval the Commissioners may proceed to frame other ordinances in respect of the matters to which such disapproval relates, subject to the like provisions and conditions as are herein-before enacted; and no such ordinance shall be effectual until it shall have been so published, laid before Parliament, and approved by Her Majesty in Council.

(3.) The costs of any petition under this section may be regulated by the Universities Committee.

Ordinances after Expiration of Commission

Power to University Court to alter or revoke ordinances.

21. After the expiration of the powers of the Commissioners, the University Court of each University shall have power to make such ordinances as they think fit, with the approval of Her Majesty in Council:

(1.) With respect to the appropriation of the sum allotted to such University by the Commissioners out of the annual grant herein-after referred to;

(2.) Altering or revoking any of the ordinances affecting such University which have been or may be framed and passed under the Universities (Scotland) Act, 1858, or this Act, and making new ordinances:

21 & 22 Vict. c. 83.

Provided that such ordinances, before being submitted to Her Majesty for approval, shall have been communicated by the University Court to the Senatus Academicus and to the General Council, whose opinion thereon, if returned to the University Court within one month, shall have been taken into consideration; provided also that the said ordinances, when finally adjusted by the University Court, shall have been communicated to the University Courts of the other

Universities, and that, if notice of dissent to such ordinances shall have been given by any University Court, or by any person directly affected by such ordinance, to the University Court making such ordinances within one month after the receipt thereof, the dissenting University Court or person may within one month after notifying dissent make a representation in regard thereto to Her Majesty in Council; provided further that no ordinance made under this section shall be of any validity until it has been approved by Her Majesty in Council, and that it shall be lawful for Her Majesty to refer such ordinances to the Universities Committee, who shall report to Her Majesty thereon: Provided further, that such ordinances shall be laid before both Houses of Parliament in the manner provided by section twenty of this Act: Provided further, that in computing the period of one month for the purposes of this section, the months of August and September shall not be counted, nor any part thereof.

Transfer of Property.

Transfer of property by Commissioners of Works.

22. On or before the first day of April one thousand eight hundred and ninety the Commissioners of Her Majesty's Works and Public Buildings shall transfer all their right, title, and interest in each of the properties described in the second column of the schedule hereto to the authority set opposite the description of such property in the first column of the said schedule, subject, nevertheless, to any burdens, liabilities, or rights affecting the same; but such transfer, if made before the first day of April one thousand eight hundred and ninety, shall not take effect until such first day of April.

Vesting thereof.

23. From and after the first day of April one thousand eight hundred and ninety all the right, title, and interest of Her Majesty, Her heirs and successors, in right of Her Crown in each of the properties described in the second column of the schedule hereto shall be vested in the authority set opposite the description of such property in the first column of the said schedule hereto, subject nevertheless to any burdens, liabilities, or rights affecting the same.

Transfer of Crown rights in Edinburgh Botanic Garden to Commissioners of Works.

24. From and after the first day of April one thousand eight hundred and eighty-nine all the right, title, and interest of Her Majesty, Her heirs and successors, in right of Her Crown as proprietor of the Edinburgh Botanic Garden and all buildings therein, shall be vested in the Commissioners of Her Majesty's Works and Public Buildings, for behoof of the public, without prejudice to the rights of Her Majesty, Her heirs and successors, as superior of the said garden and buildings, and to the rights of any subject superior in and to the said garden and buildings, the said garden and buildings to be held by the said Commissioners of Her Majesty's Works and Public Buildings upon the conditions subject to which the said garden and buildings were acquired by or on behalf of His late Majesty King George the Fourth.

Finance.

25. There shall be paid out of moneys to be provided by Parliament the sum of forty-two thousand pounds, to be applied for the purposes of the said Universities.

Annual grant.

The said sum shall be payable in equal quarterly instalments on the first day of May, the first day of August, the first day of November, and the first day of February in every year (beginning with the first day of May one thousand eight hundred and ninety), so long as the powers of the said Commissioners continue in force, to the said Commissioners, and from and after the determination of such powers to such persons and in such manner as the Commissioners may direct on trust for the purposes aforesaid.

26. The Commissioners may by ordinance apportion the said annual sum among the said Universities in such shares as they think just, and may prescribe how the share of each University is to be applied and expended: Provided that—

Power of Commissioners to apportion grant.

(1.) No one of the said Universities shall receive a smaller sum than the average amount of public moneys exclusive of building and other special grants which such University has received during the five years preceding the commencement of this Act; and the University of Glasgow shall, in addition to the average amount so received by it, receive an annual sum of five hundred pounds for the maintenance of the University buildings; and the University of Aberdeen shall in addition to the average amount so received by it receive an annual sum of three hundred and twenty pounds for the purchase of books for the library of the University; and

No University to receive less than hitherto.

(2.) No portion of the said annual sum shall be appropriated to any chair in the faculty of Theology beyond the sum, if any, which has been, within the twelve months preceding the commencement of this Act, granted for the endowment of such chair out of public moneys, but this restriction shall not apply to the chair or chairs of Hebrew or Oriental languages which may now or hereafter be attached to the faculty of theology.

Theological chairs not to be augmented out of grant.

27. Until such ordinances have been framed, laid before Parliament, and approved, as herein-before provided, the Commissioners may during the continuance of their powers, divide and apportion such part as they think proper of the said annual sum among the several Universities; and shall in the case of each University pay such portion of public money as such University would have received but for the passing of this Act to the authority entitled to receive it; and if there be any surplus undivided at the time when the ordinances for the apportionment of the said annual sum are approved, they shall have power to apportion such surplus in like manner, and it shall be lawful for the Commissioners to pay any part of the said annual sum according to the apportionment made by them as aforesaid, until a final scheme of payment is settled by ordinances approved in manner herein-before provided.

Power to apportion grant provisionally.

28. The said annual sum granted in pursuance of this Act shall be deemed to be in full discharge of all past and present claims of

Annual grant under this Act to be in full discharge of past and present claims based on present right of the said Universities to public moneys.

the said Universities, or any past or present professor, member, officer, or servant of any of the said Universities to be maintained or paid out of public moneys, or to receive any portion of public moneys by way of salary, pension, or allowances or otherwise, in so far as such claims are based upon rights existing or alleged to exist at or before the passing of this Act, and on and after such day as aforesaid, all grants of public moneys in use to be made at or before the passing of this Act to or on account of the said Universities, or any professor, member, officer, or servant of the said Universities, shall cease, and all liabilities, debts, and obligations incurred previously to the passing of this Act, by any of the said Universities, shall be defrayed by the said Universities respectively.

Annuity to the Professor of Public Law in Edinburgh.

29. And whereas under a signature of King William the Third, dated twenty-eighth February one thousand six hundred and ninety-three, and a signature of Queen Anne, dated eleventh February one thousand seven hundred and seven, and a deed of allocation dated thirty-first May one thousand seven hundred and seven, a sum of one hundred and fifty pounds is yearly due from the Crown to the Professor of Public Law in the University of Edinburgh: Be it enacted that from and after the first day of April one thousand eight hundred and ninety the said yearly sum of one hundred and fifty pounds shall cease to be due from the Crown to the Professor of Public Law in the University of Edinburgh, and shall during the tenure of his office by the existing Professor of Public Law in the University of Edinburgh be a charge upon the portion of the sum to be paid annually to the University of Edinburgh out of the said annual sum of forty-two thousand pounds granted in pursuance of this Act.

Reports on statistics, finance, &c. to be made annually.

30. The University Court of each University shall make an annual report as to the statistics of attendance on the various classes, details of teaching staff, and such other information as the Commissioners, and, after the expiry of their powers, the Universities Committee, may from time to time determine, and shall also make an annual report on the state of the finances of the University and the college or colleges thereof existing at the passing of this Act, which shall be audited by auditors to be annually appointed by the said Court, and the said reports shall be made to the Secretary for Scotland, and shall be laid by him before the General Council of the University and before Parliament, and an abstract thereof shall be published annually in such manner as the Commissioners shall determine.

PART III.

Redemption of Charges.

Composition of chalder of meal.

31. Whereas under a charter by the then Archbishop of Glasgow, dated tenth February one thousand six hundred and seven, confirmed by a charter by James, Archbishop of Glasgow, dated thirtieth October one thousand six hundred and twenty-eight, a chalder of meal is yearly due from the Crown to the University of Glasgow, and it is expedient to make provision for the redemption of the said chalder of meal: Be it enacted that the value of a chalder of meal shall be ascertained at the highest fiars prices of the county of Lanark on an average of the seven years previous to the first day of April one thousand eight hundred and ninety, and a sum of money equal to thirty times the value of a chalder of meal so ascertained as aforesaid shall on or before the first day of April one thousand eight hundred and ninety be paid by the Commissioners of Woods out of any moneys in their hands parcel of the capital of the land revenues of the Crown to the University Court of the University of Glasgow, and the said University Court shall thereupon sign and deliver to the Commissioners of Woods a receipt therefor under its common seal, and from and after the payment of such sum as aforesaid the said chalder of meal shall cease to be due from the Crown to the University of Glasgow, and the consideration for its redemption shall be received and held as part of the general property of the said University.

Purchase by the Universities of certain casualties due to the Crown.

32. And whereas divers teinds, feu, retour, and other duties and casualties are yearly due from the Universities of St. Andrews, Glasgow, Aberdeen, and Edinburgh respectively to the Crown, and it is expedient to make provision for the redemption of the said teinds, feu, retour, and other duties and casualties: Be it enacted that whenever any teind, feu, retour, or other duty or casualty shall be found to be due to the Crown from one of the Universities of Saint Andrews, Glasgow, Aberdeen, or Edinburgh, the Commissioners of Woods shall give notice in writing to the principal of the University requiring the University Court of the University to purchase the same from the Crown, and the University Court of the University shall purchase, and such Commissioners shall sell the same, and such sale shall be made in all respects as sales of a like nature in Scotland by the Commissioners of Woods may for the time being be by law directed to be made, and upon such terms as may for the time being be in operation with reference to the redemption of charges of a like nature forming part of the land revenues of the Crown.

SCHEDULE.

Section 22.

Column 1. Authority to whom Property is transferred.	Column 2. Property transferred.
The University Court of the University of St. Andrew's.	The buildings of St. Mary's College, with the quadrangle, and pertinents thereof.
The University Court of the University of St. Andrew's.	The official residence of the Principal of St. Mary's College, consisting of the house and grounds adjoining the buildings of the said College.
The University Court of the University of St. Andrew's.	The University Library, consisting of the Library, Graduation Hall, and Professors' Reading Room, with their pertinents, adjoining the official residence of the Principal of the said College.

COLUMN 1. Authority to whom Property is transferred.	COLUMN 2. Property transferred.
The University Court of the University of St. Andrew's.	The buildings and grounds of the United College of St. Salvator and St. Leonard, with the pertinents thereof, and the chapel building adjoining the same.
The University Court of the University of St. Andrew's.	A detached site consisting of an area of about 1,668 yards, with frontage to the Scores.
The University Court of the University of Aberdeen.	The buildings and grounds of the Marischal College, with the pertinents thereof.
The University Court of the University of Aberdeen.	The buildings and grounds of King's College, with the pertinents thereof, and the chapel and library adjoining.
The University Court of the University of Aberdeen.	The official residence of the Principal of King's College, being the house known as No. 13, Chanonry, and the grounds and pertinents thereof.
The University Court of the University of Aberdeen.	The official residence of the Professor of Systematic Theology, consisting of a house and grounds adjoining King's College.
The University Court of the University of Aberdeen.	The official residence of the Professor of Church History, being the house known as No. 31, College Bounds, and the grounds and pertinents thereof.
The University Court of the University of Aberdeen.	The official residence of the Professor of Biblical Criticism, being the house known as No. 34, College Bounds, and the grounds and pertinents thereof.
The University Court of the University of Aberdeen.	The official residence of the Professor of Mathematics, being the house known as No. 33, College Bounds, and the grounds and pertinents thereof.
The University Court of the University of Aberdeen.	The official residence of the Professor of Greek, being the house known as No. 32, College Bounds, and the grounds and pertinents thereof.
The University Court of the University of Aberdeen.	The official residence of the Professor of Latin, being the house known as No. 11, College Bounds, and the grounds and pertinents thereof.

* * *

CHAPTER 56.

An Act to amend the Law respecting Children in Workhouses, and respecting the borrowing of Money by Guardians and Managers of District Schools, and respecting the Managers of the Metropolitan Asylum District. [30th August 1889.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Control of guardians over child deserted by parent.

1.—(1.) Where a child is maintained by the guardians of any union and was deserted by its parent, the guardians may at any time resolve that such child shall be under the control of the guardians until it reaches the age, if a boy, of sixteen, and if a girl of eighteen years, and thereupon until the child reaches that age all the powers and rights of such parent in respect of that child shall, subject as in this Act mentioned, vest in the guardians;

Provided that the guardians may rescind such resolution, if they think that it will be for the benefit of the child that it should be rescinded, or may permit such child to be either permanently or temporarily under the control of such parent, or of any other relative, or of any friend.

(2.) A court of summary jurisdiction, if satisfied on complaint made by a parent of the child, that the child has not been maintained by the guardians, or was not deserted by such parent, or that it is for the benefit of the child that it should be either permanently or temporarily under the control of such parent, or that the resolution of the guardians should be determined, may make an order accordingly, and any such order shall be complied with by the guardians, and if the order determines the resolution, the resolution shall be thereby determined as from the date of the order, and the guardians shall cease to have the rights and powers of the parent as respects such child.

(3.) For the purposes of this Act a child shall be deemed to be maintained by the guardians if it is wholly or partly maintained by them in a workhouse or in any district school, separate school, separate infirmary, sick asylum, hospital for infectious diseases, institution for the deaf, dumb, blind, or idiots, or any certified school under the Act of the session of the twenty-fifth and twenty-sixth years of the reign of Her present Majesty, chapter forty-three, or is boarded out by the guardians, whether within or without the limits of the union.

(4.) Where a parent is imprisoned under a sentence of penal servitude or imprisonment in respect of an offence committed against a child, this section shall apply as if such child had been deserted by that parent.

(5.) Nothing in this section shall relieve any person from any liability to contribute to the maintenance of a child, but the fact of such contribution being made shall not deprive the guardians of any of the powers and rights conferred on them by this section.

(6.) Nothing in this section shall authorise the guardians to cause a child to be educated in any religious creed other than that in which the child would have been educated but for any resolution of the guardians under this section, nor affect the enactments respecting the religious education of a child maintained by the guardians, or respecting the right of any minister of the same religious persuasion as the child to visit and instruct the child, nor affect any of the enactments specified in the Schedule to this Act, which enactments relate to the religious education of children maintained by guardians.

Borrowing by guardians and managers of district schools, &c.

2. Whereas it is expedient to simplify and to express in one enactment the purposes and amount for and to which guardians of unions and managers of district schools and asylums have powers to borrow and otherwise to amend those powers: Be it therefore enacted as follows:—

(1.) The guardians of any union may, with the sanction of the Local Government Board, borrow for the purpose of raising the expenses incurred, or proposed to be incurred, for any permanent work or object, or any other thing the costs of which ought in the opinion of the Local Government Board to be spread over a term of years.

(2.) A loan shall not be of such amount as exceeds, or will make the total debt of the guardians under the Acts relating to the relief of the poor exceed one fourth of the total annual rateable value of the union.

(3.) The Local Government Board may, by Provisional Order, extend the said maximum to double the amount above authorised, and sections two hundred and ninety-seven and two hundred and ninety-eight of the Public Health Act, 1875, shall apply to every such Provisional Order in like manner as if they were herein re-enacted and the guardians were a local authority.

(4.) The unapplied balance of any loan raised by any guardians may, with the consent of the Local Government Board, be applied to any purpose for which a loan can be raised under this Act by such guardians.

(5.) This section shall apply to the managers of any school district and to the managers of any asylum district, not being the metropolitan asylum district, in like manner as if they were guardians and this section were in terms made applicable thereto, but with the substitution of one sixteenth of the annual rateable value of the district for one fourth of the annual rateable value of the union.

(6.) All enactments in the Acts relating to the relief of the poor touching the purposes for which and the amount to which guardians of unions and managers of any school or asylum district to whom this section applies may borrow, shall be repealed without prejudice to anything done thereunder, but every loan under this section shall be made on the like security and be paid off in the like time and manner, and be borrowed and re-borrowed in the like manner as is provided by the enactments in force at the passing of this Act with respect to loans of such guardians and managers.

Reception of fever, smallpox, and

3.—(1.) The managers of the metropolitan asylum district (herein-after referred to as the asylum managers), subject to such regulations and restrictions as the Local Government Board from time to time make, may admit any person who is not a pauper, and is reasonably believed to be suffering from fever or small-pox or diphtheria, into an asylum provided by the managers.

diphtheria patients into asylums in metropolitan district.

(2.) The expenses incurred by the asylum managers for the maintenance of any such person shall be paid by the guardians of the union from which he is received, and those guardians may recover the amount of those expenses as a simple contract debt from the said person or from any person liable by law to maintain him.

(3.) The said expenses, so far as the same are not so recovered by the guardians, shall be repaid to them out of the metropolitan common poor fund.

(4.) After the date of an order of the Local Government Board authorising the asylum managers to receive diphtheria patients into their hospitals, sub-section two of section sixty-nine of the Metropolitan Poor Act, 1867, shall apply as if diphtheria were therein mentioned as well as fever and small-pox.

30 & 31 Vict. c. 6.

4. The asylum managers may, if they think fit, allow the asylums provided by them for fever, small-pox, and diphtheria, to be used for purposes of medical instruction, subject to any rules and regulations which the Local Government Board may from time to time make with regard to such use of the said asylums.

Use of metropolitan asylums for medical instruction.

5. The asylum managers shall have full power, with the consent of the Local Government Board, to purchase such land adjacent to an asylum provided by them as is required for the purposes of any such asylum; and for the purpose of such purchase sections one hundred and seventy-six and two hundred and ninety-six to two hundred and ninety-eight, both inclusive, of the Public Health Act, 1875, shall apply as if they were herein re-enacted, and in terms made applicable to the asylum managers and to the purposes of this section.

Power to purchase land adjoining asylum.

38 & 39 Vict. c. 55.

6. The asylum managers may allow their carriages to be used for the conveyance of persons suffering from any dangerous infectious disorder to and from hospitals and places other than asylums provided by the asylum managers, and may make reasonable charge for that use.

Use of ambulances provided by asylum managers.

42 & 43 Vict. c. 54.

7. The provision by the asylum managers of buildings for the purposes of section sixteen of the Poor Law Act, 1879, shall be a purpose for which the managers are authorised to borrow in pursuance of the Metropolitan Poor Act, 1867, and any Acts altering and amending the same.

Power to asylum managers to borrow for ambulance stations.

8. No consent other than that of the Local Government Board shall be required to the sale or exchange or letting by the board of guardians of any separate parish of any workhouse, tenements, buildings, or land belonging to such parish.

Amendment of 5 & 6 Will. 4. c. 69. s. 3.

9. The section of this Act relating to the control of the guardians of a union over a child deserted by its parents, but no other section, shall apply to Ireland, and in such application of the said section to Ireland,—

Application to Ireland.

(*a.*) The word "guardians" means the board of guardians of the poor for a union, under the provisions of the Act of the session, of the first and second years of the reign of Her present Majesty, chapter fifty-six, intituled "An Act for the more

1 & 2 Vict. c. 56.

"effectual relief of the destitute Poor in Ireland," and the Acts amending the same:

The word "union" means a union for the relief of the destitute poor under the provisions of the said Acts;

(*b*.) A court of summary jurisdiction shall be constituted of two or more justices of the peace in petty sessions, sitting at a place appointed for holding petty sessions, or of some magistrate or officer for the time being empowered by law to do alone any act authorised to be done by more than one justice of the peace, and sitting at some court or other place appointed for the administration of justice.

Short title and construction. 42 & 43 Vict. c. 54.

10. This Act may be cited as the Poor Law Act, 1889.

Expressions in this Act when used with reference to England shall have the same meaning as in the Poor Law Act, 1879.

SCHEDULE.

Acts relating to England.

Session and Chapter.	Title or Short Title.	Enactments referred to.
4 & 5 Will. 4. c. 76 -	Poor Law Amendment Act, 1834.	Section nineteen.
25 & 26 Vict. c. 43 -	An Act to provide for the education and maintenance of pauper children in certain schools and institutions.	Section nine.
29 & 30 Vict. c. 113 -	Poor Law Amendment Act of 1866.	Section fourteen.
31 & 32 Vict. c. 122 -	Poor Law Amendment Act, 1868.	Sections sixteen to twenty-three, both inclusive.

Acts relating to Ireland.

Session and Chapter.	Title of Act.	Section referred to.
1 & 2 Vict. c. 56 -	An Act for the more effectual relief of the destitute poor in Ireland.	Section forty-nine.
25 & 26 Vict. c. 83 -	An Act to amend the laws in force for the relief of the destitute poor in Ireland, and to continue the powers of the Commissioners.	Sections eight and eleven.
39 & 40 Vict. c. 38 -	An Act to extend the limits of age up to which, with the assent of boards of guardians, orphan and deserted pauper children may be supported out of workhouses in Ireland.	Section two.

CHAPTER 57.

An Act to amend the Regulation of Railways Acts; and for other purposes. [30th August 1889.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Power to order certain provisions to be made for public safety.

1.—(1.) The Board of Trade may from time to time order a railway company to do, within a time limited by the order, and subject to any exceptions or modifications allowed by the order, any of the following things:

(*a.*) To adopt the block system on all or any of their railways open for the public conveyance of passengers;

(*b.*) To provide for the interlocking of points and signals on or in connexion with all or any of such railways;

(*c.*) To provide for and use on all their trains carrying passengers continuous brakes complying with the following requirements, namely:

(i.) The brake must be instantaneous in action, and capable of being applied by the engine-driver and guards;

(ii.) The brake must be self-applying in the event of any failure in the continuity of its action;

(iii.) The brake must be capable of being applied to every vehicle of the train, whether carrying passengers or not;

(iv.) The brake must be in regular use in daily working;

(v.) The materials of the brake must be of a durable character, and easily maintained and kept in order.

In making any order under this section the Board of Trade shall have regard to the nature and extent of the traffic on the railway, and shall, before making any such order, hear any company or person whom the Board of Trade may consider entitled to be heard.

Enforcement of orders of Board of Trade.

2. If default is made in compliance with any order made by the Board of Trade in pursuance of the last foregoing section, the Railway and Canal Commission may, on the application of the Board of Trade, enjoin obedience to the order, and thereupon the order may be enforced as if it were made by the Commission for the purpose of carrying into effect any of the provisions of the Acts under which the Commission have jurisdiction.

Issuing debenture stock to meet expenses incurred under this Act.

3. Whenever any railway company shall be ordered by the Board of Trade to provide any appliances, or execute any works, or incur any expenditure under the provisions of this Act which would properly be chargeable to capital account, it shall be lawful for such company to furnish to the Board of Trade an estimate of the cost of providing such appliances, executing such works, and carrying out such order generally, and thereupon the Board of Trade shall, upon the application of the company, fix and determine the amount which would properly be capital expenditure, and the company may from time to time issue debentures or debenture stock in priority to or ranking pari passu with any existing debentures or debenture stock of such company bearing interest at a rate not exceeding five per cent. per annum to an amount not exceeding the sum so fixed and determined, and any money raised under the provisions of this section shall be applied in carrying out such requirements of the Board of Trade and to no other purpose whatsoever, and no other authority save the certificate of the Board of Trade shall be requisite to authorise and validate the issue of such debentures or debenture stock.

Returns of overtime to oard of rade.

4.—(1.) Every railway company shall make to the Board of Trade periodical returns as to the persons in the employment of the company whose duty involves the safety of trains or passengers, and who are employed for more than such number of hours at a time as may be from time to time named by the Board of Trade.

(2.) The returns shall be delivered at such intervals, and shall be in such form, and contain such particulars, as the Board of Trade from time to time direct.

34 & 35 Vict. c. 78.

(3.) The provisions of sections nine and ten of the Regulation of Railways Act, 1871, with respect to penalties, shall apply to returns under this section.

Penalty for avoiding payment of fare.

5.—(1.) Every passenger by a railway shall, on request by an officer or servant of a railway company, either produce, and if so requested deliver up, a ticket showing that his fare is paid, or pay his fare from the place whence he started, or give the officer or servant his name and address; and in case of default shall be liable on summary conviction to a fine not exceeding forty shillings.

(2.) If a passenger having failed either to produce, or if requested to deliver up, a ticket showing that his fare is paid, or to pay his fare, refuses, on request by an officer or servant of a railway company, to give his name and address, any officer of the company or any constable may detain him until he can be conveniently brought before some justice or otherwise discharged by due course of law.

(3.) If any person—

(*a.*) Travels or attempts to travel on a railway without having previously paid his fare, and with intent to avoid payment thereof; or

(*b.*) Having paid his fare for a certain distance, knowingly and wilfully proceeds by train beyond that distance without previously paying the additional fare for the additional distance, and with intent to avoid payment thereof; or

(*c.*) Having failed to pay his fare, gives in reply to a request by an officer of a railway company a false name or address,

he shall be liable on summary conviction to a fine not exceeding forty shillings, or, in the case of a second or subsequent offence, either to a fine not exceeding twenty pounds, or in the discretion of the court to imprisonment for a term not exceeding one month.

(4.) The liability of an offender to punishment under this section shall not prejudice the recovery of any fare payable by him.

Passenger ticket to have fare printed thereon.

6. From and after a date to be fixed by order of the Board of Trade, and subject to such exceptions, if any, as may be allowed by such order, every passenger ticket issued by any railway company in the United Kingdom shall bear upon its face, printed or written in legible characters, the fare chargeable for the journey for which such ticket is issued, and any railway company issuing any passenger ticket in contravention of the provisions of this section shall be liable to a penalty not exceeding forty shillings for every ticket so issued, to be recovered on summary conviction.

7. The power conferred on a railway company by the Railways Clauses Consolidation Act, 1845, and the Railways Clauses Consolidation Act (Scotland), 1845, to make byelaws subject to disallowance by the Board of Trade, shall include power to make byelaws for maintaining order in, and regulating the use of, railway stations and the approaches thereto.

Power to make byelaws as to stations.

8.—(1.) This Act may be cited as the Regulation of Railways Act, 1889.

Short title.

(2.) This Act and the Regulation of Railways Acts, 1840 to 1871, may be cited collectively as the Regulation of Railways Acts, 1840 to 1889.

CHAPTER 58.

An Act to amend the Coinage Act, 1870, as respects Light Gold Coins. [30th August 1889.]

WHEREAS by section seven of the Coinage Act, 1870, it is enacted as follows:

33 & 34 Vict. c. 10.

"Where any gold coin of the realm is below the current weight
" as provided by this Act, or where any coin is called in by any
" proclamation, every person shall, by himself or others, cut, break,
" or deface any such coin tendered to him in payment, and the
" person tendering the same shall bear the loss:"

And whereas the said section has failed to maintain the integrity of the gold coinage of the realm, and it is expedient to provide for the exchange of a portion of such gold coins as, owing to fair wear and tear, are below the least current weight without charging the holders thereof for the loss:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1.—(1.) Any gold coin of the realm coined before the reign of Her present Majesty which is below the least current weight as provided by the Coinage Act, 1870, may, within the time and in the manner from time to time directed by Her Majesty the Queen in Council, be tendered for exchange, and, if it has not been illegally dealt with, shall (notwithstanding anything in section seven of the Coinage Act, 1870) be exchanged or paid for by or on behalf of the Mint at its nominal value:

Provision as to exchange of light pre-Victorian gold coins.

(2.) Any expenses incurred by reason of such exchange or payment shall be defrayed out of moneys provided by Parliament:

(3.) For the purposes of this Act a gold coin shall be deemed to have been illegally dealt with, where the coin has been impaired, diminished, or lightened otherwise than by fair wear and tear, or has been defaced by having any name, word, device, or number stamped thereon, whether the coin has or has not been thereby diminished or lightened:

(4.) In a gold coin loss of weight exceeding the amount specified in that behalf in the schedule to this Act shall for the purposes of this Act be primâ facie evidence that the coin has been impaired, diminished, or lightened otherwise than by fair wear and tear.

Short titles.

2. This Act may be cited as the Coinage Act, 1889.

This Act and the Coinage Act, 1870, may be cited together as the Coinage Acts, 1870 and 1889.

SCHEDULE.

LOSS OF WEIGHT which is to be evidence of COIN being illegally dealt with.

Description of Gold Coin.	Amount of Loss of Weight in each Coin which is to be evidence that the Coin has been illegally dealt with.
A sovereign or half sovereign coined before the reign of Her present Majesty.	Loss exceeding four grains from the standard weight.

Note.—In the case of any coin of higher denomination than a sovereign, a loss on each coin, proportionate to that on the sovereign, shall be evidence that the coin has been illegally dealt with. The standard weight of a sovereign is 123·27447 grains, and the standard weight of a half-sovereign is 61·63723 grains.

* * *

CHAPTER 59.

An Act to amend "The Land Law (Ireland) Act, 1888," with regard to Leaseholders. [30th August 1889.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited for all purposes as the Land Law (Ireland) Act, 1888, Amendment Act, 1889.

Certain assignments made without particular consent to be valid. 51 & 52 Vict. c. 13.

2. Section one of the Land Law (Ireland) Act, 1888, shall be read and construed as if the words "and no application under "the said section made by any person claiming as lessee under a "lease executed after the first day of June, one thousand eight "hundred and twenty-six, and before the first day of May, one "thousand eight hundred and thirty-two, not containing a clause "expressly authorising and empowering assignment, shall be dis-

" allowed on the ground that the consent of the landlord to any
" assignment of such lease has not been given, made, or evidenced
" in the manner prescribed by the third section of the Act passed in
" the seventh year of the reign of King George the Fourth, chapter
" twenty-nine, intituled 'An Act to amend the Law of Ireland
" 'respecting the assignment and subletting of lands and tene-
" 'ments,' when the landlord has consented to such assignment, and
" such consent has been established by evidence satisfactory to the
" court," were inserted therein after the figures "1860".

7 Geo. 4. c. 29. s. 3.

CHAPTER 60.

An Act to amend the Law with respect to Preferential Payments in Bankruptcy in the Administration of Insolvent Estates, and in the winding up of Companies in Ireland. [30th August 1889.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited as the Preferential Payments in Bankruptcy (Ireland) Act, 1889.

Extent of Act.

2. This Act shall not apply to England or Scotland.

Commencement of Act.

3. This Act shall, except as in this Act specially provided, come into operation on the first day of January one thousand eight hundred and ninety, which date is in this Act referred to as the commencement of this Act.

Priority of debts.

35 & 36 Vict. c. 58.
20 & 21 Vict. c. 60.
25 & 26 Vict. c. 89.

4.—(1.) In the distribution of the property of any bankrupt, notwithstanding anything in the forty-ninth section of the Bankruptcy (Ireland) Amendment Act, 1872, or the two hundred and forty-ninth section of the Irish Bankrupt and Insolvent Act, 1857, and in the distribution of the assets of any company being wound up under the Companies Act, 1862, and the Acts amending the same; notwithstanding anything in any of the said Acts, there shall be paid in priority to all other debts,—

(*a.*) All parochial or local rates due from the bankrupt or the company at the date of the order of adjudication, or of the commencement of the winding up, as the case may be, and having become due and payable within twelve months next before such times respectively, and all property or income tax assessed on the bankrupt or the company up to the fifth day of April next before the date of the order of adjudication or the commencement of the winding up, as the case may be, and not exceeding in the whole one year's assessment;

(*b.*) All wages or salary of any clerk or servant of the bankrupt or the company in respect of services rendered to the bankrupt or the company during four months before the date of the order of adjudication, or the commencement of the winding up, as the case may be, not exceeding fifty pounds; and

(*c.*) All wages of any labourer or workman of the bankrupt or the company not exceeding twenty-five pounds, whether payable for time or for piece work, in respect of services rendered to the bankrupt or the company during two months before the date of the order of adjudication or the commencement of the winding up, as the case may be: Provided that where any labourer in husbandry has entered into a contract for the payment of a portion of his wages in a lump sum at the end of the year of hiring, he shall have priority in respect of the whole of such sum, or such part thereof as the Court may decide to be due under the contract, proportionate to the time of service up to the date of the order of adjudication or the commencement of the winding up, as the case may be.

(2.) The foregoing debts shall rank equally between themselves and shall be paid in full, unless the property of the bankrupt, or the assets of the company, as the case may be, is or are insufficient to meet them, in which case they shall abate in equal proportions between themselves.

(3.) Subject to the retention of such sums as may be necessary for the costs of administration or otherwise, the foregoing debts shall be discharged forthwith, so far as the property of the bankrupt or the assets of the company, as the case may be, is or are sufficient to meet them.

(4.) In the event of a landlord or other person distraining or having distrained on any goods or effects of a bankrupt or any company within three months next before the date of the order of adjudication or of the order for winding up, as the case may be, the debts to which priority is given by this section shall be a first charge on the goods or effects so distrained on, or the proceeds of the sale thereof:

Provided that in respect of any money paid under any such charge the landlord or other person shall have the same rights of priority as the person to whom such payment is made.

(5.) This section shall apply in the case of a bankruptcy only where the order of adjudication is made after the commencement of this Act, and in the case of a company, only where the winding up commences after the commencement of this Act.

(6.) Subsections one, two, three and five of this section shall apply in the case of an arranging debtor under the provisions of the Irish Bankrupt and Insolvent Act, 1857, and the Bankruptcy (Ireland) Amendment Act, 1872, as if he were a bankrupt, and as if the date of the filing of the petition for arrangement were substituted for the date of the order of adjudication.

20 & 21 Vict. c. 60.
35 & 36 Vict. c. 58.

(7.) Any creditor who, in the case of an arrangement, votes in respect of any debt to which priority is given by this Act for or against the acceptance or confirmation of the debtor's proposal or any modification thereof, or who, in the case of a composition after bankruptcy, votes in respect of any such debt for or against the acceptance or confirmation of the bankrupt's offer of composition, shall by so voting be deemed to have abandoned any rights under subsection one of this section, and shall be remitted to such rights (if any) in respect of any of the debts therein mentioned as such creditor would have had if this Act had not passed.

(8.) This section shall apply in the case of a deceased person who dies insolvent after the commencement of this Act, as if he were a bankrupt, and as if the date of his death were substituted for the date of the order of adjudication in bankruptcy.

No action for preferential debt.
20 & 21 Vict. c. 60.
35 & 36 Vict. c. 58.

5. The word "dividend," wherever it occurs in section two hundred and ninety-three of the Irish Bankrupt and Insolvent Act, 1857, or in section one hundred and twelve of the Bankruptcy (Ireland) Amendment Act, 1872, shall include the amount of any debt to which priority is given by this Act.

Savings.
28 & 29 Vict. c. 86.
38 & 39 Vict. c. 60.

6. Nothing in this Act shall alter the effect of the Act of the session of the twenty-eighth and twenty-ninth years of the reign of Her present Majesty, chapter eighty-six, intituled "An Act to amend the law of partnership," or shall prejudice the provisions of the Friendly Societies Act, 1875.

General orders in bankruptcy.
35 & 36 Vict. c. 58.

7.—(1.) The Judges of the Court of Bankruptcy in Ireland as regards the said Court may, at any time after the passing of this Act, and from time to time, make such general orders as they may think fit in respect of the proof and payment, in bankruptcy and arrangement matters, of the debts to which priority is given by this Act, and generally for the effectual execution of this Act and of the objects thereof so far as relates to such matters, and may from time to time alter or revoke such orders; but all such orders shall be made with the approval and subject to the conditions mentioned in section one hundred and twenty-four of the Bankruptcy (Ireland) Amendment Act, 1872.

51 & 52 Vict. c. 44.

(2.) The Lord Lieutenant of Ireland, as regards the local courts of bankruptcy, by Order in Council may, at any time after the passing of this Act and from time to time, make orders in respect of the matters and for the purposes aforesaid, and may from time to time alter or revoke such orders; but all such orders shall be made subject to the conditions mentioned in section eighteen of the Local Bankruptcy (Ireland) Act, 1888.

Repeal.
46 & 47 Vict. c. 28.

8. The Companies Act, 1883, is hereby repealed as regards its application to Ireland.

* * *

CHAPTER 61.

An Act to further amend the Acts relating to the raising of Money by the London County Council, and for other purposes. [30th August 1889.]

WHEREAS the London County Council (in this Act referred to as "the Council") require to borrow the amounts herein-after named within the times herein-after limited:

51 & 52 Vict. c. 40.

And whereas by the Metropolitan Board of Works (Money) Act, 1888 (in this Act referred to as "the Act of 1888"), the Metropolitan Board of Works (in this Act called "the Board") were empowered to raise certain sums of money for the purposes in the said Act mentioned, and limits of time and amount within which the powers by the said Act granted might be exercised were fixed, and the powers of the Board under the said Act have been transferred to the Council:

And whereas the powers for the raising of money by the Act of 1888 conferred upon the Board and transferred to the Council have been partially exercised, but it is expedient that the Council should have power to raise certain further sums of money specified in the First Schedule to this Act annexed for the purposes, upon the terms, and subject to the limitations herein-after mentioned, and that the Act of 1888 should be amended:

And whereas it is expedient that the Council should be empowered to apply for the purpose of certain loans by the Council under this Act any money for the time being forming part of the Consolidated Loans Fund and not required for the payments of the dividends on consolidated stock:

And whereas it is expedient that the Council should after the issue of consolidated stock be empowered to pay certain parts of the dividends due thereon out of the money and in the manner by this Act prescribed:

And whereas it is expedient that the Council should be empowered to raise certain of the moneys which they are by this Act authorised to raise, and which it may be convenient to raise for a temporary period by the issue of bills with the consent of the Treasury for not less than three and not more than twelve months to be repaid out of money raised by the creation of consolidated stock under this Act:

And whereas it is expedient that the provisions with respect to unclaimed stock, unclaimed dividends on stock, and unclaimed money applicable to the redemption of stock, contained in the Act of 1885, should be incorporated in this Act:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited as the London Council (Money) Act, 1889; and the Metropolitan Board of Works (Money) Acts, 1875 to

1888, and this Act may be cited together as the London Council (Money) Acts, 1875 to 1889.

Construction of Act.

2. This Act shall be read and have effect as one with the Metropolitan Board of Works (Loans) Acts, 1869 to 1871, and the Metropolitan Board of Works (Money) Acts, 1875 to 1888, but all consolidated stock created by the Council after the appointed day fixed by the Local Government Act, 1888, shall be charged on the county rate in substitution for the consolidated rate.

Interpretation.

3. The expression "Parks and Open Spaces Acts" in this Act shall mean the enactments specified in the Second Schedule to this Act annexed.

The expression "Main Drainage Acts" in this Act shall have the same meaning as is assigned to the same term in the Metropolitan Board of Works (Loans) Act, 1869.

The expression "Artizans' and Labourers' Dwellings Improvement Acts" in this Act shall mean the enactments specified in the Third Schedule to this Act annexed.

Amendment of 51 & 52 Vict. c. 40. s. 6, sub-ss. (*b*), (*c*), (*d*), (*f*), (*m*), (*n*), (*o*), ss. 7, 8, sub-ss. (i.), (ii.).

4.—(i.) Sub-section (*b*) of section six of the Act of 1888 shall be read and construed as if the amount thereby authorised to be expended for the purposes of the Parks and Open Spaces Acts had been limited to a sum of seventy-eight thousand pounds instead of sixty-two thousand pounds, and the Second Schedule of the Act of 1888 shall be read and construed as if the Clissold Park (Stoke Newington) Act, 1887, had been included therein.

(ii.) Sub-section (*c*) of section six of the Act of 1888 shall be read and construed as if the amount thereby authorised to be expended for the purposes of the Metropolis Toll Bridges Act, 1877, including the cost of certain special works for the maintenance and repair of certain of the bridges acquired under the said Act, and the commutation of pensions, had been limited to a sum of nineteen thousand pounds instead of three thousand pounds.

(iii.) Sub-section (*d*) of section six of the Act of 1888 shall be read and construed as if the amount thereby authorised to be expended for the purposes of the Metropolitan Bridges Act, 1881, and the Metropolitan Board of Works (Bridges) Act, 1884, had been limited to a sum of sixty-seven thousand pounds instead of thirty-four thousand pounds.

(iv.) Sub-section (*j*) of section six of the Act of 1888 shall be read and construed as if the amount thereby authorised to be expended for the purposes of the Metropolitan Street Improvements Act, 1883, had been limited to a sum of seventeen thousand pounds instead of two thousand pounds.

(v.) Sub-section (*m*) of section six of the Act of 1888 shall be read and construed as if the amount thereby authorised to be expended for the purposes of the Metropolitan Board of Works (Various Powers) Act, 1885, had been limited to a sum of three hundred and fifty thousand pounds instead of one hundred and fifty-one thousand pounds.

(vi.) Sub-section (*n*) of section six of the Act of 1888 shall be read and construed as if the amount thereby authorised to be expended for the purposes of the Metropolitan Board of Works (Various Powers) Act, 1886, had been limited to a sum of eleven thousand pounds instead of seven thousand pounds.

(vii.) Sub-section (*o*) of section six of the Act of 1888 shall be read and construed as if the amount thereby authorised to be expended for the purposes of the Metropolitan Board of Works (Various Powers) Act, 1887, had been limited to a sum of fifteen thousand pounds instead of nine thousand pounds.

(viii.) Section seven of the Act of 1888 shall be read and construed as if the amount thereby authorised to be expended had been limited to a sum of three hundred and thirty thousand pounds instead of one hundred and forty-two thousand pounds.

(ix.) Sub-section (i.) of section eight of the Act of 1888 shall be read and construed as if the amount thereby authorised to be lent, and which vestries or district boards were thereby authorised to borrow, had been limited to a sum of four hundred thousand pounds instead of three hundred thousand pounds.

(x.) Sub-section (ii.) of section eight of the Act of 1888 shall be read and construed as if the amount thereby authorised to be lent, and which any corporation, commissioners, burial board, or other public body (not being a vestry or district board constituted as aforesaid, or board of guardians, the managers of the Metropolitan Asylum District, or the School Board for London), as therein defined, were thereby authorised to borrow had been limited to a sum of two hundred thousand pounds instead of one hundred thousand pounds.

(xi.) Section six of the Act of 1888 shall be read and construed as if an amount of sixteen hundred pounds had been thereby authorised to be expended for the purposes of the Metropolitan Board of Works (Bridges, &c.) Act, 1883: provided that the money expended by the Board and the Council under this sub-section shall not, together with all money previously expended by the Board for the said purposes, exceed one hundred and thirty-four thousand pounds.

Power to expend money for purposes of Metropolitan Improvements Act, 1889, Local Government Act, 1888, Hughes Fields scheme, for a council chamber, and Brockwell Park.

5. The Council may from time to time, up to the thirty-first day of December one thousand eight hundred and ninety, expend for the purposes herein-after mentioned such money as they think fit, not exceeding the amounts limited in relation to such purposes respectively:

(i.) For the purposes of the Metropolitan Improvements Act, 1889, seven thousand pounds;

(ii.) For the purposes of capital outlay incurred or to be incurred by the Council, when they are acting, not as successors of the Board, but in pursuance of authority vested in them by the Local Government Act, 1888, three hundred and fifty thousand pounds;

(iii.) For the purposes of building houses in connexion with the Hughes Fields Deptford Scheme under the Metropolis (Hughes Fields) Provisional Order Confirmation Act, 1885, forty thousand pounds;

(iv.) For the purpose of acquiring a site for a council chamber and offices such a sum as the Council, with the approval of the Treasury, may think fit;

(v.) For the purpose of acquiring Brockwell Park, in the parish of Lambeth, in the county of London, sixty-one thousand pounds:

Provided always, that the money to be raised and the consolidated stock to be created by the Council under this section shall be raised and created by them from time to time in such amounts and at such times only as the Council shall actually require, and as the Treasury shall approve, for the purpose of carrying out the provisions of the said Acts in a proper and efficient manner.

Power to expend money for sundry purposes during the year 1890.

6. The Council may from time to time during the year ending the thirty-first day of December one thousand eight hundred and ninety, expend for the purposes herein-after mentioned such moneys as they may think fit not exceeding the amounts limited in relation to such purposes respectively:

(*a.*) For the purposes of providing station-houses, fire-engines, fire-escapes, hydrants, fire-plugs, and permanent plant for the purposes of the Fire Brigade Act, 1865, ninety-five thousand pounds, and such further sum as the Treasury may approve; 28 & 29 Vict. c. 90.

(*b.*) For the purposes of the Parks and Open Spaces Acts forty thousand pounds;

(*c.*) For the purposes of the Metropolis Toll Bridges Act, 1877, including the cost of certain special works for the maintenance and repair of certain of the bridges acquired by the Board under the said Act, and the commutation of pensions, two thousand pounds; 40 & 41 Vict. c. xcix.

(*d.*) For the purposes of the Metropolitan Bridges Act, 1881, and the Metropolitan Board of Works (Bridges) Act, 1884, seventeen thousand pounds, provided that the money expended by the Council under the authority of this sub-section shall not, together with all money previously expended by the Board and the Council for the said purposes, exceed seven hundred and ninety-one thousand pounds; 44 & 45 Vict. c. cxcii. 47 & 48 Vict. c. ccxxviii.

(*e.*) For the purposes of the Thames Tunnel (Blackwall) Acts, 1887 and 1888, three hundred and thirteen thousand pounds; 50 & 51 Vict. c. clxxii. 51 & 52 Vict. c. lvii.

(*f.*) For the purposes of the Thames River (Prevention of Floods) Act, 1879, one thousand pounds, and such further sum as the Treasury may approve; 42 & 43 Vict. c. cxcviii.

(*g.*) For the purposes of schemes made by the Board under the authority of the Artizans' and Labourers' Dwellings Improvement Acts, two thousand five hundred pounds, and such further sum as the Treasury may approve; 50 & 51 Vict. c. 34.

(*h.*) For the purposes of the Metropolitan Street Improvements Act, 1877, one thousand pounds, and such further sum as the Treasury may approve, provided that the money expended by the Council under the authority of this sub-section, together with all money previously expended by the Board and the Council for the said purposes, shall not exceed four millions three hundred thousand pounds; 40 & 41 Vict. c. ccxxxv.

46 & 47 Vict. c. clxxviii.

(*i.*) For the purposes of the Metropolitan Street Improvements Act, 1883, one thousand pounds, provided that the money expended by the Council under the authority of this sub-section shall not, together with all money previously expended by the Board and the Council for the said purposes, exceed seven hundred and eighty-two thousand seven hundred pounds;

18 & 19 Vict. c. 120. 25 & 26 Vict. c. 102.

(*j.*) For the purposes mentioned in section one hundred and forty-four of the Metropolis Management Act, 1855, and section seventy-two of the Metropolis Management Amendment Act, 1862, and for the purposes of any improvement effected by the Council and sanctioned by Parliament, expenditure in relation to which is not otherwise specially provided for by this Act, one hundred thousand pounds;

47 & 48 Vict. c. ccxxiii.

(*k.*) For the purposes of the Metropolitan Board of Works (Various Powers) Act, 1884, one thousand pounds;

48 & 49 Vict. c. cxii.

(*l.*) For the purposes of the Metropolitan Board of Works (Various Powers) Act, 1885, one hundred and sixty-six thousand pounds;

49 & 50 Vict. c. cxliv.

(*m.*) For the purposes of the Metropolitan Board of Works (Various Powers) Act, 1886, five thousand pounds;

50 & 51 Vict. c. cvi.

(*n.*) For the purposes of the Metropolitan Board of Works (Various Powers) Act, 1887, one thousand pounds;

51 & 52 Vict. c. clvi.

(*o.*) For the purposes of the Metropolitan Board of Works (Various Powers) Act, 1888, ten thousand pounds;

51 & 52 Vict. c. clxxiv.

(*p.*) For the purposes of the Raleigh Park, Brixton, Act, 1888, twelve thousand five hundred pounds:

Provided always, that the money to be expended and the consolidated stock to be created by the Council for the purposes mentioned in this section respectively shall be raised and created by them from time to time in such amounts and at such times only as the Council shall actually require, and as the Treasury shall approve, for the said purposes respectively.

Special power to expend money for purposes of main drainage and main sewers.

7. The Council may from time to time during the year ending the thirty-first day of December one thousand eight hundred and ninety, expend for the purpose of adding to, extending, enlarging, improving, and completing the works authorised by the Main Drainage Acts, including precipitation works and appliances and vessels or barges for the removal of sludge, and for rendering such works and appliances, vessels, or barges efficient in such manner as to them may seem proper, and for extending, enlarging, and improving the main sewers transferred to and vested in the Council under and by virtue of the Metropolis Management Act, 1855, and the Local Government Act, 1888, and for making such other sewers and works, and such alterations and diversions of such existing main sewers as may to them seem proper for the purpose of relieving, supplementing, and rendering such main sewers efficient, and for carrying into effect the several provisions in relation thereto mentioned in the said Acts such money as they may think fit, not exceeding two hundred and eleven thousand pounds, in addition to any moneys which they are authorised to expend under any Acts

18 & 19 Vict. c. 120. 51 & 52 Vict. c. 41.

passed previously to the passing of this Act, and all the provisions of the Main Drainage Acts and the Metropolis Management Act, 1855, and the Acts altering or amending the same for the time being in force relating to the execution of works authorised by the said Acts respectively, shall continue in force, and shall extend and apply respectively to the works executed by means of money raised for the purposes of this section, and all stock created under the authority of this Act for such purposes shall be deemed to be created for the purposes of the above-mentioned Acts respectively.

Power to lend to vestries, district boards, corporations, commissioners, burial boards or other public bodies.

8.—(i.) Where a vestry or district board constituted under the Metropolis Management Act, 1855, or any Act amending or extending the same, desire in pursuance of authority vested in them by Act of Parliament to borrow money for any purpose thereby authorised, then from time to time during the year ending the thirty-first day of December one thousand eight hundred and ninety, the Council may lend to the vestry or district board, and the vestry or district board may borrow from the Council such money as the Council think fit and as the vestry or district board are authorised and desire to borrow, but the total amount of such loans shall not exceed three hundred thousand pounds.

(ii.) Where any corporation, commissioners, burial board, or other public body (not being a vestry or district board constituted as aforesaid, a board of guardians, the managers of the Metropolitan Asylum District, or the School Board for London) having power to levy directly or indirectly rates in respect of lands in the metropolis as defined in the Metropolis Management Act, 1855, or to make charges on rates leviable in the metropolis as so defined, or to take or charge within the metropolis as so defined dues or impositions in the nature of rates, desire, in pursuance of authority vested in them by Act of Parliament, to borrow money for any purpose thereby authorised, then from time to time during the year ending the thirty-first day of December one thousand eight hundred and ninety, the Council may lend to the corporation, commissioners, burial board, or other public body, and they may borrow from the Council such money as the Council think fit, and as the corporation, commissioners, burial board, or other public body are authorised and desire to borrow; but the total amount of all such loans shall not exceed one hundred thousand pounds.

(iii.) Commissioners for public libraries and museums appointed or hereafter to be appointed under the Public Libraries Act, 1855, by the vestry of any parish in the metropolis as defined by the Metropolis Management Act, 1855, are hereby declared to be commissioners duly appointed, notwithstanding that such parish may be a parish in Schedule B. to the last-mentioned Act, and any loan by the Council under this Act to commissioners so appointed, and any security given by such commissioners to the Council shall be deemed in all respects valid and effective, provided the sanction of the vestry and the Local Government Board be given to the borrowing by the commissioners.

18 & 19 Vict. c. 70.

(iv.) Money borrowed from and lent by the Council under this section may, notwithstanding anything in any other Act, be made repayable either in one sum or by instalments as the Council and the borrowers shall agree, and in either case shall be repaid to the Council with interest within such time after the borrowing as the borrowers, with the consent of the Local Government Board or the Treasury, as the case may be, where such consent is necessary to the borrowing, and the Council with the approval of the Treasury shall agree: Provided that the time after the borrowing within which such money shall be repaid to the Council shall not exceed in the case of a loan for the purpose of improvements in relation to streets or bridges, or for the purpose of purchase of land in fee simple, sixty years, and for any other purpose thirty years.

Power to lend to boards of guardians. 18 & 19 Vict. c. 120.

9. Where a board of guardians of a union or parish wholly or for the greater part in the metropolis as defined in the Metropolis Management Act, 1855, desire in pursuance of authority vested in them by Act of Parliament to borrow money for any purpose thereby authorised, then from time to time during the year ending the thirty-first day of December one thousand eight hundred and ninety, the Council may lend to the board of guardians, and the board of guardians may borrow from the Council, such money as the Council think fit, and as the board of guardians are authorised and desire to borrow, but the aggregate amount of all such loans shall not exceed two hundred thousand pounds.

Money borrowed from and lent by the Council under this section shall, notwithstanding anything in any other Act, be repaid to the Council with interest within such time after the borrowing as the borrowers, with the consent of the Local Government Board, and the Council, with the approval of the Treasury, shall agree, not exceeding thirty years.

Extension of amount of loans to managers of Metropolitan Asylum District.

10. The Council may from time to time during the year ending the thirty-first day of December one thousand eight hundred and ninety lend to the managers of the Metropolitan Asylum District, in addition to the sums heretofore authorised to be lent by the Council to the said managers, such sums as the said managers are from time to time authorised by the Local Government Board to borrow in pursuance of any Act for the time being in force, not exceeding in the whole fifty thousand pounds, as though the said sums were included in the amount authorised to be lent for such purposes by section thirty-seven of the Metropolitan Board of Works (Loans) Act, 1869, and the Acts amending the same.

32 & 33 Vict. c. 102.

Power to lend to School Board for London.

11. Where the School Board for London desire, in pursuance of authority vested in them by Act of Parliament, to borrow money for any purpose thereby authorised, then from time to time during the year ending the thirty-first day of December one thousand eight hundred and ninety, the Council may lend and the School Board may borrow from the Council such money as the Council think fit, and as the School Board are authorised and desire to borrow, not exceeding three hundred and fifty thousand pounds.

Money borrowed from and lent by the Council under this section shall, notwithstanding anything in any other Act, be repaid to the Council with interest within such time after the borrowing, not exceeding fifty years, as the School Board, with the sanction (as the case may require) of the Education Department or of one of Her Majesty's Principal Secretaries of State, and the Council, with the approval of the Treasury, shall agree.

Power to lend to Receiver of Metropolitan Police District.

12. The Receiver of the Metropolitan Police District may borrow from the Council, and the Council may from time to time, during the year ending the thirty-first day of December one thousand eight hundred and ninety, lend to the Receiver, on the security of the Metropolitan Police Fund, as defined by section seven of the Metropolitan Police Act, 1886, such money not exceeding two hundred and fifty thousand pounds as the Receiver is from time to time authorised to borrow; provided that the money lent by the Council and borrowed by the Receiver under this section shall not, together with all money previously lent by the Board and the Council and borrowed by the Receiver, exceed five hundred thousand pounds, and for the purpose of securing the repayment of any such money and interest the Receiver may mortgage to the Council the Metropolitan Police Fund as so defined.

Money borrowed from and lent by the Council under this section may, notwithstanding anything in any other Act, be made repayable either in one sum or by instalments as the Council and the Receiver shall agree, and in either case shall be repaid to the Council with interest within such time after borrowing as the Receiver with the sanction of one of Her Majesty's Principal Secretaries of State, and the Council, with the approval of the Treasury, may agree.

Provided that the time after the borrowing within which such money shall be repaid to the Council shall not exceed, in the case of a loan for the purchase of freehold land, sixty years, and for any other purpose thirty years.

Power to lend to the Vestry of St. Pancras.

13. The Council may from time to time, during the year ending the thirty-first day of December one thousand eight hundred and ninety, lend to the Vestry of Saint Pancras, and the Vestry of Saint Pancras may borrow from the Council for the purposes authorised by the Saint Pancras Loans Amendment Act, 1887, such money as the Council think fit, and as the Vestry of Saint Pancras are authorised and desire to borrow; provided that the money lent by the Council and borrowed by the Vestry of Saint Pancras under this section shall not, together with all money previously lent by the Council and borrowed by the Vestry of Saint Pancras for the said purposes, exceed one hundred and ten thousand pounds.

Money may be borrowed from and lent by the Council under this section in addition to any money borrowed from or lent by the Council under section nine, and may be made repayable either in one sum or by instalments as the Council and the Vestry of Saint Pancras shall agree, and in either case shall be repaid to the Council with interest within such time after the lending, not exceeding fifty years, as the Council and the Vestry of Saint Pancras, with the approval of the Treasury, shall agree.

Protection of Council in case of certain loans.

14. Where, under the authority of this or any other Act, the Council lend any money to any corporation, body of commissioners, public body, or persons, the exercise of whose powers of borrowing is subject to the consent of the Local Government Board, the sanction of that Board to the borrowing of such money shall in every such case be conclusive evidence that such corporation, body of commissioners, public body, or persons had power to borrow such money.

Application of Consolidated Loans Fund.

15. Section twenty-eight of the Metropolitan Board of Works (Loans) Act, 1869, is hereby repealed. The Consolidated Loans Fund shall, subject to regulations approved by the Treasury, be first applied in the payment of the dividends on consolidated stock, and then in purchasing and redeeming consolidated stock, and in payment of the principal or instalments of principal due on securities granted before the passing of the Metropolitan Board of Works Loans Act, 1869, or for debts and liabilities transferred from the counties of Middlesex, Surrey, and Kent, and apportioned to the county of London under section forty of the Local Government Act, 1888. The Council may in the meantime, and subject to regulations approved by the Treasury, invest any money for the time being forming part of the Consolidated Loans Fund in any stocks, funds, or securities in which cash under the control or subject to the order of the Supreme Court may be invested under any order of the Supreme Court for the time being in force.

51 & 52 Vict. c. 41.

Power to raise consolidated stock.

16. In order to raise money for the several purposes for which the Council are by this Act authorised to expend or lend money, the Council may from time to time create consolidated stock. Provided always, that—

(i.) Where the Council under the authority of this Act create consolidated stock to raise money for the purpose of the Fire Brigade Act, 1865, or to enable them to make a loan repayable within a period not exceeding thirty years from the date of such loan, the Council shall from time to time carry to the Consolidated Loans Fund such sums as the Treasury approve, as being in their opinion sufficient to redeem within the period of thirty years from the date of the creation of such stock, or in the case of any such loan within any less period for which the same may be made, an amount of consolidated stock equal to that so created; and

(ii.) Where the Council are by this Act authorised to make a loan the Council, instead of raising money for any such loan by the creation of consolidated stock, may use for any such loan any money for the time being forming part of the Consolidated Loans Fund and not required for the payments of the dividends on consolidated stock. Provided that no such money shall be used for any loan repayable at a date later than the date at which the consolidated stock redeemable by means of the money so used is required to be redeemed.

(iii.) Where the Council are authorised by the Act of 1888 or this Act to raise money for any purpose, the Council, instead of raising such money by the creation of consolidated stock, may, with the approval of the Treasury, use for such purpose any money for the time being forming part of the Consolidated Loans Fund, and not required for the payment of the dividends on consolidated stock. Provided that no such money shall be so used unless provision shall be made in such manner as the Treasury approve for repaying the same to the Consolidated Loans Fund at or before the date at which consolidated stock redeemable by means of such money is required to be redeemed at par, and in every such case the Council shall from time to time raise, as part of the county rate, such sums as the Treasury approve as being in their opinion sufficient for the repayment at or before the date aforesaid of the money used for such purpose, and for the payment of the interest on the money so used, and such sums shall from time to time be carried by the Council to the Consolidated Loans Fund.

(iv.) Where the Council raise consolidated stock for the purpose of any scheme made by the Board or the Council under the authority of the Artizans' and Labourers' Dwellings Improvement Acts, there shall be repaid (as provided by the Artizans' and Labourers' Dwellings Improvement Act, 1875) to the county rate out of the local rate, as defined by the said last-mentioned Act, all money required for payment of dividends on, and the redemption of all consolidated stock created for such purpose.

Power for Council after issue of stock to apply money raised by stock to make up dividends from fixed dates.

17. The Council may from time to time, within twelve months after the issue of any consolidated stock, carry to the dividend account in the Consolidated Loans Fund for the purpose of providing for the payment of dividends on such stock from the dates fixed at the time of such issue, though the same may be earlier than the dates fixed for receiving the cash instalments on account of such loan, so much of the money arising from the issue of such stock as they may require for that purpose, and as the Treasury approve, and may from time to time apply the money so carried to such dividend account to the payment of such dividends.

Council may raise money by bills.

18. Notwithstanding anything in this Act, or in any other Act relating to the Council, the Council may at such times, and upon such terms as the Treasury may from time to time approve, raise from time to time any part of the money which they are by this Act authorised to raise, not exceeding in the whole the sum of five hundred thousand pounds, by the issue of bills under this Act.

Form and length of currency and interest on metropolitan bills.

19. A bill under this Act (in this Act referred to as a "metropolitan bill") shall be a bill in form prescribed by regulations made in pursuance of this Act for the payment of the sum named therein in the manner and at the date therein mentioned, so that the date be not less than three nor more than twelve months from the date of the bill. Interest shall be payable in respect of a metropolitan bill at such rate and in such manner as the Council, with the consent of the Treasury, may direct.

Payment and applications of proceeds of metropolitan bills and charge of bills on county rate.

20. All moneys raised by the issue of any metropolitan bills shall be paid to the Council, and shall be expended by them for the purposes for which the same are by this Act authorised to be raised respectively. The principal money and interest expressed in any metropolitan bill to be payable shall be charged on the county rate, and shall be payable out of the said rate, or as regards principal out of moneys raised by the creation of consolidated stock under this Act for the purpose for which such principal money has been expended, and as regards interest out of the Consolidated Loans Fund.

46 & 47 Vict. c. 27. ss. 18, 19, 21, 22 to apply to metropolitan bills under this Act.

21. The provisions contained in sections eighteen and nineteen and sections twenty-one and twenty-two of the Metropolitan Board of Works (Money) Act, 1883, with respect to metropolitan bills as defined by that Act, shall extend and apply with respect to metropolitan bills as defined by this Act, and for the purpose of such application the expressions "this Act" and "metropolitan bill" in the said sections shall be construed to mean respectively this Act and metropolitan bill as defined by this Act.

Power to create consolidated stock partially suspended while metropolitan bills authorised to be raised.

22. For the repayment of the principal money due on metropolitan bills, the Council may, by the creation of consolidated stock, raise any sum which by this Act they are authorised to apply to the purposes for which such principal money has been expended, but, save as aforesaid, the powers given to the Council by this Act to raise moneys by the creation of consolidated stock shall be suspended to the extent to which moneys are for the time being authorised to be raised by the issue of metropolitan bills.

32 & 33 Vict. c. 102. s. 38 not to extend to money raised under Act.

23. The limitation on the borrowing power of the Council contained in section thirty-eight of the Metropolitan Board of Works (Loans) Act, 1869, shall not extend to money raised by the Council for purposes mentioned in this Act.

Repayments carried to Consolidated Loans Fund.

24. All sums received by the Council in respect of interest on or principal of any loan made by them under this Act shall be carried to the Consolidated Loans Fund.

Limit to exercise of borrowing powers.

25. During the year ending the thirty-first day of December one thousand eight hundred and ninety the Council shall not (except for such temporary period not exceeding six months as the Treasury may from time to time sanction) raise otherwise than in conformity with and to the extent mentioned in this Act any money under any powers of borrowing conferred upon the Council either by this Act or any other Act whatsoever: Provided always, that the limitations contained in this section shall not extend to limit or control the raising of money under the authority of section thirty-four of the Metropolitan Board of Works (Loans) Act, 1869, or of section eight of the Metropolitan Board of Works (Loans) Act, 1875, for the purposes in the said sections respectively mentioned.

32 & 33 Vict. c. 102. 38 & 39 Vict. c. 65.

Incorporation of sections 27 to 43 of 48 & 49 Vict. c. 50.

26. Sections twenty-seven to forty-three, inclusive, of the Metropolitan Board of Works (Money) Act, 1885, shall be deemed to be incorporated with this Act.

SCHEDULES.

FIRST SCHEDULE.

New Money Powers conferred in this Act.

Section of Act.	Purpose.	Amount.
Sec. 4.:	SUPPLEMENTAL UP TO 31ST DECEMBER 1889.	£
Sub-sec. (i.)	Parks and Open Spaces (amount already sanctioned, 62,000*l.*)	16,000
„ (ii.)	Bridges under Acts of 1877 (amount already sanctioned, 3,000*l.*)	16,000
„ (iii.)	Bridges under Acts of 1881 and 1884 (amount already sanctioned, 34,000*l.*)	33,000
„ (iv.)	Streets under Act of 1883 (amount already sanctioned, 2,000*l.*)	15,000
„ (v.)	Various Powers Act of 1885 (amount already sanctioned, 151,000*l.*)	199,000
„ (vi.)	Various Powers Act of 1886 (amount already sanctioned, 7,000*l.*)	4,000
„ (vii.)	Various Powers Act of 1887 (amount already sanctioned, 9,000*l.*)	6,000
„ (viii.)	Main Drainage (amount already sanctioned, 142,000*l.*)	188,000
„ (ix.)	Loans to vestries and district boards (amount already sanctioned, 300,000*l.*)	100,000
„ (x.)	Loans to other public bodies (amount already sanctioned, 100,000*l.*)	100,000
„ (xi.)	Bridges under Act of 1883	1,600
	UP TO 31ST DECEMBER 1890.	
Sec. 5. (i.)	Metropolitan Improvements Act of 1889	7,000
„ (ii.)	Local Government Act, 1888, where Council not acting as successors of the Metropolitan Board of Works	350,000
„ (iii.)	Artizans' Dwellings (Hughes Fields: Houses)	40,000
„ (v.)	Brockwell Park	61,000
Sec. 6.:	1ST JANUARY TO 31ST DECEMBER 1890.	
Sub-sec. (*a.*)	Fire Brigade	95,000
„ (*b.*)	Parks and Open Spaces	40,000
„ (*c.*)	Bridges under Act of 1877	2,000
„ (*d.*)	Bridges under Acts of 1881 and 1884	17,000
„ (*e.*)	Thames Tunnel (Blackwall)	313,000
„ (*f.*)	Thames River Prevention of Floods	1,000
„ (*g.*)	Artizans' Dwellings	2,500
„ (*h.*)	Streets under Act of 1877	1,000
„ (*i.*)	Streets under Act of 1883	1,000
„ (*j.*)	Improvements under the Metropolis Management Act, 1855, the Metropolis Management Amendment Act, 1862, and including improvements sanctioned by Parliament, for which no provision is elsewhere made in this Act	100,000
„ (*k.*)	Various Powers Act, 1884	1,000
„ (*l.*)	Various Powers Act, 1885	166,000
„ (*m.*)	Various Powers Act, 1886	5,000
„ (*n.*)	Various Powers Act, 1887	1,000
„ (*o.*)	Various Powers Act, 1888	10,000
„ (*p.*)	Brixton Park	12,500
Sec. 7.	Main Drainage (including Precipitation Works)	211,000
Sec. 8.:		
Sub-sec. (i.)	Loans to vestries and district boards	300,000
„ (ii.)	Loans to other public bodies	100,000

Section of Act.	Purpose.		Amount.
			£
Sec. 9. - -	Loans to guardians - - - -		200,000
,, 10. - -	Loans to managers of Metropolitan Asylum District		50,000
,, 11. - -	Loans to School Board for London - -		350,000
,, 12. - -	Loans to Receiver of the Metropolitan Police District - - - - -		250,000
,, 13. - -	Loans to vestry of St. Pancras - - -		110,000
			3,475,600
	Amounts included above, which are re-grants of borrowing power previously granted—	£	
	Fire Brigade - - - -	12,368	
	Parks and Open Spaces - -	37,995	
	Bridges under Act of 1877 - -	18,000	
	Bridges under Acts of 1881 and 1884 -	31,123	
	Bridges under Act of 1883 - -	1,600	
	Thames Tunnel (Blackwall) - -	313,000	
	Thames River Prevention of Floods -	128	
	Artizans' Dwellings - - -	2,500	
	Streets under Act of 1877 - -	1,000	
	Streets under Act of 1883 - -	15,454	
	Improvements under the Metropolis Management Act, 1855, the Metropolis Management Amendment Act, 1862, and including improvements sanctioned by Parliament for which no provision is elsewhere made in this Act - -	58,585	
	Various Powers Act, 1884 - -	1,000	
	Various Powers Act, 1885 - -	208.801	
	Various Powers Act, 1886 - -	9,000	
	Various Powers Act, 1887 - -	7,000	
	Various Powers Act, 1888 - -	10,000	
	Brixton Park - - - -	12,500	
	Main Drainage (including Precipitation Works) - - - -	290,559	
	Loans to Vestries and District Boards -	136,900	
	Loans to other public Bodies - -	55,900	
	Loans to Guardians - - -	103,700	
	Loans to School Board for London -	25,000	
	Loans to Receiver of the Metropolitan Police District - - -	250,000	
	Loans to Vestry of St. Pancras - -	110,000	
			1,712,113
	New Borrowing Powers— £		
	For Council { For 1889 - 1,877 For 1890 - 883,110 }	884,987	1,763,487
	For Loans { For 1889 - 44,100 For 1890 - 834,400 }	878,500	

Sections 3 and 6.

SECOND SCHEDULE.

Parks and Open Spaces Acts.

The Finsbury Park Act, 1857, 20 & 21 Vict. c. cl.
,, Gardens in Towns Protection Act, 1863, 26 Vict. c. 13.
,, Southwark Park Act, 1864, 27 Vict. c. iv.
,, Metropolitan Commons Act, 1866, 29 & 30 Vict. c. cxxii.
,, ,, ,, Amendment Act, 1869, 32 & 33 Vict. c. 107.

The Hampstead Heath Act, 1871, 34 & 35 Vict. c. lxxvii.
„ Metropolitan Commons Supplemental Act, 1871 (Blackheath), 34 & 35 Vict. c. lvii.
” ” ” ” ” 1871 (Shepherd's Bush), 34 & 35 Vict. c. lxiii.
” ” ” ” ” 1872 (Hackney Commons), 35 & 36 Vict. c. xliii.
” ” ” ” ” 1873 (Tooting Beck Common), 36 & 37 Vict. c. lxxxvi.
„ Leicester Square Act, 1874, 37 Vict. c. x.
„ Metropolitan Board of Works Act, 1874 (Finsbury Park), 37 & 38 Vict. c. xcvii.
” ” ” ” (Various Powers) Act, 1875 (Tooting Graveney Common and Finsbury Park), 38 & 39 Vict. c. clxxix. s. 14.
„ Metropolitan Open Spaces Act, 1877, 40 & 41 Vict. c. 35.
„ Metropolitan Board of Works Act, 1877 (Forest Hill Recreation Ground, Byelaws, &c.), 40 Vict. c. viii.
„ Metropolitan Commons Supplemental Act, 1877 (Clapham Common and Bostal Heath), 40 & 41 Vict. c. cci.
„ Metropolitan Commons Act, 1878, 41 & 42 Vict. c. 71.
„ Plumstead Common Act, 1878 (Plumstead Common and Shoulder of Mutton Green), 41 & 42 Vict. c. cxlv.
„ Wormwood Scrubs Act, 1879, 42 & 43 Vict. c. clx.
„ Metropolitan Commons Supplemental Act, 1881 (Brook Green, Eel Brook Common, &c.), 44 Vict. c. xviii.
„ Metropolitan Board of Works (Hackney Commons) Act, 1881, 44 & 45 Vict. c. cxlviii.
„ Metropolitan Open Spaces Act, 1881, 44 & 45 Vict. c. 34.
„ Metropolitan Board of Works (Various Powers) Act, 1882 (Peckham Rye, &c., and Tooting Beck), 45 & 46 Vict. c. lvi.
„ Metropolitan Commons Supplemental Act, 1884 (Streatham Common), 47 & 48 Vict. c. ii.
„ Metropolitan Board of Works (Various Powers) Act, 1884 (Plumstead Common and Hackney Commons), 47 & 48 Vict. c. ccxxiii.
„ Metropolitan Board of Works (Various Powers) Act, 1885 (Highbury Fields, Dulwich Park, and Plumstead Common), 48 & 49 Vict. c. clxvii.
„ Metropolitan Board of Works (Various Powers) Act, 1886 (Little Wormwood Scrubs and Dulwich Park), 49 & 50 Vict. c. cxii.
„ Hampstead Heath Enlargement Act, 1886, 50 Vict. c. xli.
„ Metropolitan Board of Works (Various Powers) Act, 1887 (Wandsworth Common, Bostal Heath, Brook Green, Ravenscourt Park, Penge Recreation Ground and W.C.'s in Parks, &c.), 50 & 51 Vict. c. cvi.
„ Open Spaces Act, 1887, 50 & 51 Vict. c. 32.
„ London Parks and Works Act, 1887 (Victoria Park, Battersea Park, Kennington Park, Bethnal Green Museum Garden), 50 & 51 Vict. c. 34.
„ Clissold Park (Stoke Newington) Act, 1887, 50 & 51 Vict. c. cxxxvii.
„ Metropolitan Board of Works (Various Powers) Act, 1888 (Kennington Park, Dulwich Park, Lands at Lewisham), 51 & 52 Vict. c. clvi.
„ Hampstead Heath Enlargement Act, 1888, 51 & 52 Vict. c. cli.
„ Metropolitan Improvements Act, 1889, 52 & 53 Vict. c. cxlvii.

THIRD SCHEDULE.

Sections 3 and 6.

Artizans' and Labourers' Dwellings Improvement Acts.

1868	31 and 32 Vict.	C. 130	The Artizans' and Labourers' Dwellings Act.
1875	38 and 39 Vict.	C. 36	The Artizans' and Labourers' Dwellings Improvement Act.
1876	39 and 40 Vict.	Ch. cc	Whitechapel and Limehouse Scheme.
1877	40 and 41 Vict.	Ch. ciii	Goulston Street and Flower-and-Dean Street, Whitechapel, Scheme — St. George-the-Martyr, Southwark, Scheme, and Bedfordbury, St. Martin-in-the-Fields, &c., Scheme.
1877	40 and 41 Vict.	Ch. cxxxiii	Great Wild Street, St. Giles-in-the-Fields, Scheme—Pear Tree Court, Clerkenwell, Scheme—Whitecross Street, St. Luke, Scheme—High Street, Islington, Scheme, and Old Pye Street, Westminster, Scheme.
1878	41 and 42 Vict.	Ch. cxii	Bowman's Buildings, Marylebone, Scheme, and Essex Road, Islington, Scheme.
1879	42 and 43 Vict.	Ch. lxxix	Little Coram Street, St. Giles, &c., Scheme—Wells Street, Poplar, Scheme, and Great Peter Street, Westminster, Scheme.
1879	42 and 43 Vict.	Ch. lxxx	Whitechapel and Limehouse (Modification) Scheme.
1879	42 and 43 Vict.	C. 63	The Artizans' and Labourers' Dwellings Improvement Act.
1879	42 and 43 Vict.	C. 64	The Artizans' and Labourers' Dwellings Act, 1868, Amendment Act.
1880	43 Vict.	C. 8	An Act to amend the Artizans' and Labourers' Dwellings Act, 1868, Amendment Act, 1879.
1880	43 and 44 Vict.	Ch. cxxxi	High Street, Islington (Modification), Scheme.
1882	45 and 46 Vict.	C. 54	The Artizans' Dwellings Act.
1883	46 and 47 Vict.	Ch. xciv	Tench Street, St. George-in-the-East, Scheme.
1883	46 and 47 Vict.	Ch. xcv	Brook Street, Limehouse, Scheme.
1883	46 and 47 Vict.	Ch. xcvi	Windmill Row, New Cut, Lambeth, Scheme.
1883	46 and 47 Vict.	Ch. xcvii	Trafalgar Road, Greenwich, Scheme.
1885	48 and 49 Vict.	Ch. xcix	Hughes Fields, Deptford, Scheme.
1885	48 and 49 Vict.	Ch. c	Tabard Street, Newington, Scheme.
1885	48 and 49 Vict.	C. 72	The Housing of the Working Classes Act.
1886	49 and 50 Vict.	Ch. cxii	Metropolitan Board of Works (Various Powers) Act (Goulston Street, &c., Scheme).
1887	50 and 51 Vict.	Ch. ci	Cable Street, Shadwell, Scheme.
1887	50 and 51 Vict.	Ch. cii	Shelton Street, St. Giles', Scheme.
1888	51 and 52 Vict.	Ch. xxxii	The Metropolis (Whitechapel and Limehouse) Provisional Order Confirmation Act.

CHAPTER 62.

An Act to make further provision for the regulation of Cotton Cloth Factories. [30th August 1889.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited as the Cotton Cloth Factories Act, 1889.

Short title.

2. This Act shall come into operation on the first day of March one thousand eight hundred and ninety, which day is in this Act referred to as the commencement of this Act.

Commencement.

3. This Act shall be construed as one with the Factory and Workshop Act, 1878.

Construction. 41 & 42 Vict. c. 16.

4. In this Act—

Interpretation.

The expression "cotton cloth factory" shall mean any room, shed, or workshop, or any part thereof, in which the weaving of cotton cloth is carried on.

Expressions referring to the artificial raising of temperature or production of humidity shall include the raising of temperature or production of humidity by any artificial means whatsoever except by gas when used for lighting purposes only.

5.—(1.) The amount of moisture in the atmosphere of a cotton cloth factory shall not at any time be in excess of such amount as is represented by the number of grains of moisture per cubic foot of air shown in column I. of the table in Schedule A. to this Act opposite to such figure in column II. as represents the temperature existing in such cotton cloth factory at such time.

Temperature and humidity of the atmosphere.

Provided that in a cotton cloth factory the temperature shall not at any time be artificially raised above seventy degrees, except in so far as may be necessary in the process of giving humidity to the atmosphere and according to the table in Schedule A. of this Act.

(2.) The fact that one of the wet bulb thermometers in such factory gives a higher reading than the figure shown in column III. of Schedule A. to this Act opposite to such figure in column II. as represents the temperature existing in such factory, shall be evidence that the amount of moisture in the atmosphere exceeds the limit in the last preceding sub-section prescribed.

6. One of Her Majesty's Principal Secretaries of State may from time to time by order repeal or vary the table in Schedule A. of this Act, and substitute any new or amended table therefor: Provided always, that such varied or substituted table shall be laid in a complete form before both Houses of Parliament if Parliament be sitting, or if not, then within three weeks after the beginning of the next ensuing session of Parliament; and if such table shall be

Power to alter table of humidity.

disapproved by either House of Parliament within forty days after the same shall have been so laid before Parliament, such table shall be void and of no effect: Provided also, that no such table shall come into force or operation until the same shall have been laid before Parliament for forty days; but after the expiration of such forty days, if the table has not been disapproved of as aforesaid, the Secretary of State shall cause a copy thereof to be published in the "London Gazette," and to be given to every occupier of a cotton cloth factory who, in pursuance of this Act, has given notice of humidity of the atmosphere being artificially produced in such factory, and after the expiration of fourteen days from the first publication thereof in the "London Gazette," the varied or substituted table shall be deemed to be the table in Schedule A. of this Act.

Thermometers to be employed.

7. For the purpose of recording the humidity of the atmosphere and the temperature in a cotton cloth factory, there shall be provided, maintained, and kept in correct working order in every such factory two sets of standardised wet and dry bulb thermometers.

The following regulations shall be observed with reference to the employment of such thermometers in each cotton cloth factory:

(i.) One set of thermometers is to be fixed in the centre and one at the side of the factory, or in such other position as may be directed or sanctioned by an inspector of factories, so as to be plainly visible to the operatives.

(ii.) The occupier or manager or person for the time being in charge of each factory shall read the thermometers twice in the day, viz., between ten o'clock and eleven o'clock in the forenoon and between three o'clock and four o'clock in the afternoon, on every day that any operatives are employed in the factory, and shall record the readings of each thermometer at each of such times on a form provided for the purpose for each set of thermometers in the form and in accordance with the regulations contained in Schedule B. of this Act.

(iii.) The form in which the readings of each thermometer provided for in sub-section (ii.) of this section are to be recorded shall be kept hung up near the thermometers, and after being duly filled up, shall be forwarded at the end of each month to the inspector of the district, and a copy shall be kept at the factory for reference.

(iv.) There shall be kept hanging up in a frame, and properly glazed, in a conspicuous position and near to each set of thermometers a copy of the table set out in Schedule A. of this Act.

(v.) Each form shall be primâ facie evidence of the humidity of the atmosphere and temperature in the factory in which such form was hung up.

Notice of artificial production of humidity to be given.

8. The occupier of any cotton cloth factory in which humidity of the atmosphere is artificially produced shall give notice thereof in writing to the chief inspector of factories.

The notice shall be given in the case of a factory in which humidity is so produced at the commencement of this Act within one week after the commencement of this Act, and in the case of any other factory at or before the time at which the artificial production of humidity is commenced in the factory.

Admission of fresh air.

9. In every factory in respect of which such notice has been given, arrangements shall be made and maintained to the satisfaction of the inspector of factories for the district for admitting in every hour during which work is carried on not less than six hundred cubic feet of fresh air for each person employed therein; and the arrangements for such ventilation shall be kept in operation subject, as far as possible, to the control of the persons employed therein.

Inspectors to visit the factories.

10. Every factory in respect of which such notice has been given shall be visited by an inspector of factories once at least in every three months. The inspector shall examine into the temperature, humidity of the atmosphere, ventilation, and quantity of fresh air in the factory, and shall report to the chief inspector of factories in accordance with the form printed in Schedule C. of this Act.

Notice of cessation of artificial production of humidity.

11. If at any time the occupier of any factory in respect of which notice has been given in conformity with the eighth section of this Act shall cease to produce humidity by artificial means, he may give notice in writing of such cessation, and from the date of such notice, and so long as humidity is not artificially produced in the factory, the provisions of this Act with respect to factories in which humidity of the atmosphere is artificially produced shall not apply to such factory.

Provisions for preventing inhalation of dust.

12. Where an inspector considers that dust is generated, and such dust is inhaled by the workers to an injurious extent, and it appears to such inspector that such inhalation could be prevented by the use of mechanical or other means, the following provisions shall apply:—

(1.) The inspector shall serve on the occupier of the factory a notice requiring him to adopt such mechanical or other means as the said inspector requires to prevent the inhalation of such dust:

(2.) The occupier, within seven days after the receipt of the notice, may serve on the inspector a requisition to refer the matter to arbitration; and thereupon the matter shall be referred to arbitration, and two skilled arbitrators shall be appointed, the one by the inspector and the other by the occupier; and the provisions of the Companies Clauses Consolidation Act, 1845, with respect to the settlement of disputes by arbitration shall, subject to the express provisions of this section, apply to the said arbitration, and the arbitrators or their umpire shall give the decision within twenty-one days after the last of the arbitrators, or, in the case of the umpire, after the umpire is appointed, or within such further time as the occupier and inspector, by writing, allow; and if the

8 & 9 Vict. c. 16.

decision is not so given, the matter shall be referred to the arbitration of an umpire to be appointed by the judge of the county court within the jurisdiction of which the factory is situate:

(3.) If the arbitrators or their umpire decide that it is unnecessary or impossible to prevent the inhalation of such dust, or that the means required to be adopted by the inspector are not reasonable, the notice shall be cancelled, and the occupier shall not be required to carry out the notice of the said inspector, and the expenses of the arbitration shall be paid as the expenses of the inspectors under this Act:

(4.) If the occupier does not within the said seven days serve on the inspector a requisition to refer the matter to arbitration, or does not appoint an arbitrator within seven days after he served that requisition, or if neither the arbitrators nor the umpire decide that it is unnecessary or impossible to prevent the inhalation of such dust, or that the means required to be adopted by the inspector are not reasonable, the occupier shall prevent the inhalation of dust in accordance with the notice or with the award of the arbitrators or umpire if it modifies the notice, and the expenses of the arbitration shall be paid by the occupier, and shall be recoverable from him by the inspector in the county court:

(5.) Where the occupier of a factory fails to comply within a reasonable time with the requirements of this section as to the inhalation of dust in accordance with the notice or award, or fails to keep and to maintain such factory in accordance therewith, he shall be deemed to contravene this Act.

Penalties for offences.

13. If in the case of any cotton cloth factory there is a contravention of or non-compliance with any of the provisions of this Act, the inspector shall give notice in writing to the occupier of the same of the acts or omissions constituting the contravention or non-compliance, and if such acts or omissions, or any of them, are continued or not remedied, or are repeated within twelve months after such notice has been given, the occupier of such factory shall be liable, on summary conviction, for the first offence to a penalty of not less* than five pounds nor more than ten pounds, and for every subsequent offence to a penalty of not less than ten pounds nor more than twenty pounds.

* This cannot be reduced under Sec. 4 of Sum. Jurisd. Act 1879. Osborne v Wood Bros. 1896 W.N. 174. 1897 1 QB 197

SCHEDULES.

SCHEDULE A.

MAXIMUM LIMITS of HUMIDITY of the ATMOSPHERE at given TEMPERATURES.

I. Grains of Moisture per Cubic Foot of Air.	II. Dry Bulb Thermometer Readings. Degrees Fahrenheit.	III. Wet Bulb Thermometer Readings. Degrees Fahrenheit.
5·1	60	58
5·2	61	59
5·4	62	60
5·6	63	61
5·8	64	62
6	65	63
6·2	66	64
6·4	67	65
6·6	68	66
6·9	69	67
7·1	70	68
7·1	71	68·5
7·1	72	69
7·4	73	70
7·4	74	70·5
7·65	75	71·5
7·7	76	72
8	77	73
8	78	73·5
8·25	79	74·5
8·55	80	75·5
8·6	81	76
8·65	82	76·5
8·85	83	77·5
8·9	84	78
9·2	85	79
9·5	86	80
9·55	87	80·5
9·9	88	81·5
10·25	89	82·5
10·3	90	83
10·35	91	83·5
10·7	92	84·5
11	93	85·5
11·1	94	86
11·5	95	87

SCHEDULE B.

Form for recording the Readings of the Thermometer.

Name of occupier____________________.
Factory No._______.
Number of operatives employed in it______.

READINGS								If no Artificial Humidity produced insert No Steam.
Date.			Between 10 and 11 a.m		Between 3 and 4 p.m.		Remarks.	
Year.	Month.	Day.	Dry Bulb Thermometer. Degrees Fah.	Wet Bulb Thermometer. Degrees Fah.	Dry Bulb Thermometer. Degrees Fah.	Wet Bulb Thermometer. Degrees Fah.		
		1					†	
		2						
		3						
		4						
		5						
		6						
		7						
		8						
		9						
		10						
		11						
		12						
		13						
		14						
		15						
		16						
		17						
		18						
		19						
		20						
		21						
		22						
		23						
		24						
		25						
		26						
		27						
		28						
		29						
		30						
		31						

† Fill in :—*e.g.*, Too damp.

Signed A.B.

Correct, &c. Occupier or Manager.

SCHEDULE C.

Form of the Inspector's Report.

Name of occupier ____________________.
Number of operatives employed __________.
Number of rooms or factories used __________.

Number of operatives in each room or factory.	With cubic contents of each such room or factory.

The general state of the temperature is (satisfactory. / unsatisfactory.)
" " humidity " "
" " ventilation " "

The temperature was in excess of the prescribed maximum temperature on __________ occasions.

The humidity of the atmosphere was in excess of the degree prescribed in the table in Schedule A. of the Cotton Cloth Factories Act, 1889, on __________ occasions.

General remarks.

Date ______________________

Signed,
____________________ Inspector.

CHAPTER 63.

An Act for consolidating enactments relating to the Construction of Acts of Parliament and for further shortening the Language used in Acts of Parliament.

[30th August 1889.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Re-enactment of existing Rules.

Rules as to gender and number.

1.—(1.) In this Act and in every Act passed after the year one thousand eight hundred and fifty, whether before or after the commencement of this Act, unless the contrary intention appears,—

(*a.*) words importing the masculine gender shall include females; and

(*b.*) words in the singular shall include the plural, and words in the plural shall include the singular.

(2.) The same rules shall be observed in the construction of every enactment relating to an offence punishable on indictment or on summary conviction, when the enactment is contained in an Act passed in or before the year one thousand eight hundred and fifty.

Application of penal Acts to bodies corporate.

2.—(1.) In the construction of every enactment relating to an offence punishable on indictment or on summary conviction, whether contained in an Act passed before or after the commencement of this Act, the expression "person" shall, unless the contrary intention appears, include a body corporate.

(2.) Where under any Act, whether passed before or after the commencement of this Act, any forfeiture or penalty is payable to a party aggrieved, it shall be payable to a body corporate in every case where that body is the party aggrieved.

Meanings of certain words in Acts since 1850.

3. In every Act passed after the year one thousand eight hundred and fifty, whether before or after the commencement of this Act, the following expressions shall, unless the contrary intention appears, have the meanings hereby respectively assigned to them; namely,—

The expression "month" shall mean calendar month:

* this is not confined to Corporeal heredits. v Clutterbuck 1901. 2 Ch 285.

The expression "land" *shall include messuages, tenements, and hereditaments, houses, and buildings of any tenure:

The expressions "oath" and "affidavit" shall, in the case of persons for the time being allowed by law to affirm or declare instead of swearing, include affirmation and declaration, and the expression "swear" shall, in the like case, include affirm and declare.

Meaning of "county" in past Acts.

4. In every Act passed after the year one thousand eight hundred and fifty and before the commencement of this Act the expression "county" shall, unless the contrary intention appears, be construed as including a county of a city and a county of a town.

Meaning of "parish."

5. In every Act passed after the year one thousand eight hundred and sixty-six, whether before or after the commencement of this Act, the expression "parish" shall, unless the contrary intention appears, mean, as respects England and Wales, a place for which a separate poor rate is or can be made, or for which a separate overseer is or can be appointed.

Meaning of "county court."

6. In this Act, and in every Act and Order of Council passed or made after the year one thousand eight hundred and forty-six, whether before or after the commencement of this Act, the expression "county court" shall, unless the contrary intention appears, mean as respects England and Wales a court under the County Courts Act, 1888.

51 & 52 Vict. c. 43.

Meaning of "sheriff clerk," &c. in Scotch Acts.

7. In every Act relating to Scotland, whether passed before or after the commencement of this Act, unless the contrary intention appears—

The expression "sheriff clerk" shall include steward clerk;

The expressions "shire," "sheriffdom," and "county" shall include any stewartry in Scotland.

Sections to be substantive enactments.

8. Every section of an Act shall have effect as a substantive enactment without introductory words.

Acts to be public Acts.

9. Every Act passed after the year one thousand eight hundred and fifty, whether before or after the commencement of this Act, shall be a public Act and shall be judicially noticed as such, unless the contrary is expressly provided by the Act.

Amendment or repeal of Acts in same session.

10. Any Act may be altered, amended, or repealed in the same session of Parliament.

Effect of repeal in Acts passed since 1850.

11.—(1.) Where an Act passed after the year one thousand eight hundred and fifty, whether before or after the commencement of this Act, repeals a repealing enactment, it shall not be construed as reviving any enactment previously repealed, unless words are added reviving that enactment

(2.) Where an Act passed after the year one thousand eight hundred and fifty, whether before or after the commencement of this Act, repeals wholly or partially any former enactment and substitutes provisions for the enactment repealed, the repealed enactment shall remain in force until the substituted provisions come into operation.

New General Rules of Construction.

Official definitions in past and future Acts.

12. In this Act, and in every other Act whether passed before or after the commencement of this Act, the following expressions shall, unless the contrary intention appears, have the meanings hereby respectively assigned to them, namely:—

(1.) The expression "the Lord Chancellor" shall, except when used with reference to Ireland only, mean the Lord High Chancellor of Great Britain for the time being, and when used with reference to Ireland only, shall mean the Lord Chancellor of Ireland for the time being.

(2.) The expression "the Treasury" shall mean the Lord High Treasurer for the time being or the Commissioners for the time being of Her Majesty's Treasury.

(3.) The expression "Secretary of State" shall mean one of Her Majesty's Principal Secretaries of State for the time being.

(4.) The expression "the Admiralty" shall mean the Lord High Admiral of the United Kingdom for the time being, or the Commissioners for the time being for executing the office of Lord High Admiral of the United Kingdom.

(5.) The expression "the Privy Council" shall, except when used with reference to Ireland only, mean the Lords and others for the time being of Her Majesty's Most Honourable Privy Council, and when used with reference to Ireland only, shall mean the Privy Council of Ireland for the time being.

(6.) The expression "the Education Department" shall mean the Lords of the Committee for the time being of the Privy Council appointed for Education.

(7.) The expression "the Scotch Education Department" shall mean the Lords of the Committee for the time being of the Privy Council appointed for Education in Scotland.

(8.) The expression "the Board of Trade" shall mean the Lords of the Committee for the time being of the Privy Council appointed for the consideration of matters relating to trade and foreign plantations.

(9.) The expression "Lord Lieutenant," when used with reference to Ireland, shall mean the Lord Lieutenant of Ireland or other Chief Governors or Governor of Ireland for the time being.

(10.) The expression "Chief Secretary," when used with reference to Ireland, shall mean the Chief Secretary to the Lord Lieutenant for the time being.

(11.) The expression "Postmaster General" shall mean Her Majesty's Postmaster General for the time being.

(12.) The expression "Commissioners of Woods" or "Commissioners of Woods and Forests" shall mean the Commissioners of Her Majesty's Woods, Forests, and Land Revenues for the time being.

(13.) The expression "Commissioners of Works" shall mean the Commissioners of Her Majesty's Works and Public Buildings for the time being.

(14.) The expression "Charity Commissioners" shall mean the Charity Commissioners for England and Wales for the time being.

(15.) The expression "Ecclesiastical Commissioners" shall mean the Ecclesiastical Commissioners for England for the time being.

(16.) The expression "Queen Anne's Bounty" shall mean the Governors of the Bounty of Queen Anne for the augmentation of the maintenance of the poor clergy.

(17.) The expression "National Debt Commissioners" shall mean the Commissioners for the time being for the Reduction of the National Debt.

(18.) The expression "the Bank of England" shall mean, as circumstances require, the Governor and Company of the Bank of England or the bank of the Governor and Company of the Bank of England.

(19.) The expression "the Bank of Ireland" shall mean, as circumstances require, the Governor and Company of the Bank of Ireland, or the bank of the Governor and Company of the Bank of Ireland.

(20.) The expression "consular officer" shall include consul-general, consul, vice-consul, consular agent, and any person for the time authorised to discharge the duties of consul-general, consul, or vice-consul.

Judicial definitions in past and future Acts.

13. In this Act and in every other Act whether passed before or after the commencement of this Act, the following expressions shall, unless the contrary intention appears, have the meanings hereby respectively assigned to them, namely:—

(1.) The expression "Supreme Court," when used with reference to England or Ireland, shall mean the Supreme Court of Judicature in England or Ireland, as the case may be, or either branch thereof.

(2.) The expression "Court of Appeal," when used with reference to England or Ireland, shall mean Her Majesty's Court of Appeal in England or Ireland, as the case may be.

(3.) The expression "High Court," when used with reference to England or Ireland, shall mean Her Majesty's High Court of Justice in England or Ireland, as the case may be.

(4.) The expression "court of assize" shall, as respects England, Wales, and Ireland, mean a court of assize, a court of oyer and terminer, and a court of gaol delivery, or any of them, and shall, as respects England and Wales, include the Central Criminal Court.

(5.) The expression "assizes," as respects England, Wales, and Ireland, shall mean the courts of assize usually held in every year, and shall include the sessions of the Central Criminal Court, but shall not include any court of assize held by virtue of any special commission, or, as respects Ireland, any court held by virtue of the powers conferred by section sixty-three of the Supreme Court of Judicature Act (Ireland), 1877. 40 & 41 Vict. c. 57.

(6.) The expression "the Summary Jurisdiction Act, 1848," shall mean the Act of the session of the eleventh and twelfth years of the reign of Her present Majesty, chapter forty-three, intituled "An Act to facilitate the performance of the "duties of justices of the peace out of sessions within "England and Wales with respect to summary convictions "and orders."

(7.) The expression "the Summary Jurisdiction (England) Acts" and the expression "the Summary Jurisdiction (English) Acts" shall respectively mean the Summary Jurisdiction Act, 1848, and the Summary Jurisdiction Act, 1879, and any Act, past or future, amending those Acts or either of them. 11 & 12 Vict. c. 43. 42 & 43 Vict. c. 49.

(8.) The expression "the Summary Jurisdiction (Scotland) Acts" shall mean the Summary Jurisdiction (Scotland) Acts, 1864 and 1881, and any Act, past or future, amending those Acts or either of them. 27 & 28 Vict. c. 53. 44 & 45 Vict. c. 33.

(9.) The expression "the Summary Jurisdiction (Ireland) Acts" shall mean, as respects the Dublin Metropolitan Police District, the Acts regulating the powers and duties of justices of the peace or of the police of that district, and as respects any other part of Ireland, the Petty Sessions (Ireland) Act, 1851, and any Act, past or future, amending the same. 14 & 15 Vict. c. 93.

(10.) The expression "the Summary Jurisdiction Acts" when used in relation to England or Wales shall mean the Summary Jurisdiction (England) Acts, and when used in relation to Scotland the Summary Jurisdiction (Scotland) Acts, and when used in relation to Ireland the Summary Jurisdiction (Ireland) Acts.

Licensing Justices.
R. v. J.J. of Glamorgan
1892. 1 QB. 621.
J.J. hearing power etc
[illegible] Foster [illegible]
v West Ham 1892. 1 QB 66

(11.) The expression "court of summary jurisdiction" shall mean any justice or justices of the peace, or other magistrate, by whatever name called, to whom jurisdiction is given by, or who is authorised to act under, the Summary Jurisdiction Acts, whether in England, Wales, or Ireland, and whether acting under the Summary Jurisdiction Acts or any of them or under any other Act, or by virtue of his commission, or under the common law.

not a meeting of
J.J. for licensing
Boulter v JJ of Kent
1897 AC 536

(12.) The expression "petty sessional court" shall, as respects England or Wales, mean a court of summary jurisdiction consisting of two or more justices when sitting in a petty sessional court-house, and shall include the Lord Mayor of the city of London, and any alderman of that city, and any metropolitan or borough police magistrate or other stipendiary magistrate when sitting in a court-house or place at which he is authorised by law to do alone any act authorised to be done by more than one justice of the peace.

(13.) The expression "petty sessional court-house" shall, as respects England or Wales, mean a court-house or other place at which justices are accustomed to assemble for holding special or petty sessions, or which is for the time being appointed as a substitute for such a court-house or place, and where the justices are accustomed to assemble for either special or petty sessions at more than one court-house or place in a petty sessional division, shall mean any such court-house or place. The expression shall also include any court-house or place at which the Lord Mayor of the city of London or any alderman of that city, or any metropolitan or borough police magistrate or other stipendiary magistrate is authorised by law to do alone any act authorised to be done by more than one justice of the peace.

(14.) The expression "court of quarter sessions" shall mean the justices of any county, riding, parts, division, or liberty of a county, or of any county of a city, or county of a town, in general or quarter sessions assembled, and shall include the court of the recorder of a municipal borough having a separate court of quarter sessions.

Meaning of "rules of court."

14. In every Act passed after the commencement of this Act, unless the contrary intention appears, the expression "rules of court" when used in relation to any court shall mean rules made by the authority having for the time being power to make rules or orders regulating the practice and procedure of such court, and as regards Scotland shall include acts of adjournal and acts of sederunt.

The power of the said authority to make rules of court as above defined shall include a power to make rules of court for the purpose of any Act passed after the commencement of this Act, and directing or authorising anything to be done by rules of court.

Meaning of borough.

15. In this Act and in every Act passed after the commencement of this Act the following expressions shall, unless the contrary intention appears, have the meanings hereby respectively assigned to them, namely:—

(1.) The expression "municipal borough" shall mean, as respects England and Wales, any place for the time being subject to the Municipal Corporations Act, 1882, and any reference to the mayor, aldermen, and burgesses of a borough shall include a reference to the mayor, aldermen, and citizens of a city, and any reference to the powers, duties, liabilities or property of the council of a borough shall be construed as a reference to the powers, duties, liabilities, or property of the mayor, aldermen, and burgesses of the borough acting by the council.

45 & 46 Vict. c. 50.

(2.) The expression "municipal borough" shall mean, as respects Ireland, any place for the time being subject to the Act of the session of the third and fourth years of the reign of Her present Majesty, chapter one hundred and eight, intituled "An Act for "the regulation of municipal corporations in Ireland."

(3.) The expression "parliamentary borough" shall mean any borough, burgh, place or combination of places returning a member or members to serve in Parliament, and not being either a county or division of a county, or a university, or a combination of universities.

(4.) The expression "borough" when used in relation to local government shall mean a municipal borough as above defined, and when used in relation to parliamentary elections or the registration of parliamentary electors shall mean a parliamentary borough as above defined.

Meaning of guardians and union.

16. In this Act and in every Act passed after the commencement of this Act the following expressions shall, unless the contrary intention appears, have the meanings hereby respectively assigned to them, namely:—

(1.) The expression "board of guardians" shall, as respects England and Wales, mean a board of guardians elected under the Poor Law Amendment Act, 1834, and the Acts amending the same, and shall include a board of guardians or other body of persons performing under any local Act the like functions to a board of guardians under the Poor Law Amendment Act, 1834.

4 & 5 Will. 4. c. 76.

(2.) The expression "poor law union" shall, as respects England and Wales, mean any parish or union of parishes for which there is a separate board of guardians.

(3.) The expression "board of guardians" shall, as respects Ireland, mean a board of guardians elected under the Act of the Session of the first and second years of the reign of Her present Majesty, chapter fifty-six, intituled "An Act for the "more effectual relief of the destitute poor in Ireland," and the Acts amending the same, and shall include any body of persons appointed by the Local Government Board for Ireland to carry into execution the provisions of those Acts.

(4.) The expression "poor law union" shall, as respects Ireland, mean any townland or place or union, or townlands or places, for which there is a separate board of guardians.

Definitions relating to elections.

17. In every Act passed after the commencement of this Act the following expressions shall, unless the contrary intention appears, have the meanings hereby respectively assigned to them, namely:—

(1.) The expression "parliamentary election" shall mean the election of a member or members to serve in Parliament for a county or division of a county, or parliamentary borough or division of a parliamentary borough, or for a university or combination of universities.

(2.) The expression "parliamentary register of electors" shall mean a register of persons entitled to vote at any parliamentary election.

(3.) The expression "local government register of electors" shall mean as respects an administrative county in England or Wales other than a county borough, the county register, and as respects a county borough or other municipal borough, the burgess roll.

Geographical and colonial definitions in future Acts.

18. In this Act, and in every Act passed after the commencement of this Act, the following expressions shall, unless the contrary intention appears, have the meanings hereby respectively assigned to them, namely:—

(1.) The expression "British Islands" shall mean the United Kingdom, the Channel Islands, and the Isle of Man.

(2.) The expression "British possession" shall mean any part of Her Majesty's dominions exclusive of the United Kingdom, and where parts of such dominions are under both a central and a local legislature, all parts under the central legislature shall, for the purposes of this definition, be deemed to be one British possession. *

v. Sir S. [illegible] 1911 2 Ch. 5[illegible]. [illegible] of province of the Dom: of Canada are w/i the "Colony as defined." —

* Amended by the Statute of Westminster 1931, s. 11.

(3.) The expression "colony" shall mean any part of Her Majesty's dominions exclusive of the British Islands, and of British India, and where parts of such dominions are under both a central and a local legislature, all parts under the central legislature shall, for the purposes of this definition, be deemed to be one colony.

(4.) The expression "British India" shall mean all territories and places within Her Majesty's dominions which are for the time being governed by Her Majesty through the Governor-General of India or through any governor or other officer subordinate to the Governor-General of India.

(5.) The expression "India" shall mean British India together with any territories of any native prince or chief under the suzerainty of Her Majesty exercised through the Governor-General of India, or through any governor or other officer subordinate to the Governor-General of India.

(6.) The expression "Governor" shall, as respects Canada and India, mean the Governor-General, and include any person who for the time being has the powers of the Governor-General, and as respects any other British possession, shall include the officer for the time being administering the government of that possession.

(7.) The expression "colonial legislature" and the expression "legislature," when used with reference to a British possession, shall respectively mean the authority, other than the Imperial Parliament or Her Majesty the Queen in Council, competent to make laws for a British possession.

Meaning of "person" in future Acts.

19. In this Act and in every Act passed after the commencement of this Act the expression "person" shall, unless the contrary intention appears, include any body of persons corporate or unincorporate.

Meaning of "writing" in past and future Acts.

20. In this Act and in every other Act whether passed before or after the commencement of this Act expressions referring to writing shall, unless the contrary intention appears, be construed as including references to printing, lithography, photography, and other modes of representing or reproducing words in a visible form.

Meaning of "statutory declaration" in past and future Acts. 5 & 6 Will. 4. c. 62.

21. In this Act, and in every other Act, whether passed before or after the commencement of this Act, the expression "statutory declaration" shall, unless the contrary intention appears, mean a declaration made by virtue of the Statutory Declarations Act, 1835.

Meaning of "financial year" in future Acts.

22. In this Act and in every Act passed after the commencement of this Act the expression "financial year" shall, unless the contrary intention appears, mean as respects any matters relating to the Consolidated Fund or moneys provided by Parliament, or to the Exchequer, or to Imperial taxes or finance, the twelve months ending the thirty-first day of March.

Definition of Lands Clauses Acts.

23. In any Act passed after the commencement of this Act, unless the contrary intention appears,—

The expression "Lands Clauses Acts" shall mean—

(*a*) as respects England and Wales, the Lands Clauses Consolidation Act, 1845, the Lands Clauses Consolidation Acts Amendment Act, 1860, the Lands Clauses Consolidation Act, 1869, and the Lands Clauses (Umpire) Act, 1883, and any Acts for the time being in force amending the same; and

8 & 9 Vict. c. 18. 23 & 24 Vict. c. 106. 32 & 33 Vict. c. 18. 46 & 47 Vict. c. 15.

(*b*) as respects Scotland, the Lands Clauses Consolidation (Scotland) Act, 1845, and the Lands Clauses Consolidation Acts Amendment Act, 1860, and any Acts for the time being in force amending the same; and

8 & 9 Vict. c. 19. 23 & 24 Vict. c. 106.

(*c*) as respects Ireland, the Lands Clauses Consolidation Act, 1845, the Lands Clauses Consolidation Acts Amendment Act, 1860, the Railways Act (Ireland), 1851, the Railways Act (Ireland), 1860, the Railways Act (Ireland), 1864, and the Railways Traverse Act, and any Acts for the time being in force amending the same.

8 & 9 Vict. c. 18. 23 & 24 Vict. c. 97. 14 & 15 Vict. c. 70. 27 & 28 Vict. c. 71. 31 & 32 Vict. c. 70.

Meaning of Irish Valuation Acts.

24. In any Act passed before or after the commencement of this Act the expression "Irish Valuation Acts" shall mean the Acts relating to the valuation of rateable property in Ireland.

Meaning of "ordnance map."

25. In this Act and in every other Act, whether passed before or after the commencement of this Act, the expression "ordnance map" shall, unless the contrary intention appears, mean a map made under the powers conferred by the Survey (Great Britain) Acts, 1841 to 1870, or by the Survey (Ireland) Acts, 1825 to 1870, and the Acts amending the same respectively.

Meaning of service by post.

26. Where an Act passed after the commencement of this Act authorises or requires any document to be served by post, whether the expression "serve," or the expression "give" or "send," or any other expression is used, then, unless the contrary intention appears, the service shall be deemed to be effected by properly addressing, prepaying, and posting a letter containing the document, and unless the contrary is proved to have been effected at the time at which the letter would be delivered in the ordinary course of post.

Meaning of "committed for trial."

27. In every Act passed after the commencement of this Act, the expression "committed for trial" used in relation to any person shall, unless the contrary intention appears, mean, as respects England and Wales, committed to prison with the view of being tried before a judge and jury, whether the person is committed in pursuance of section twenty-two or of section twenty-five of the Indictable Offences Act, 1848, or is committed by a court, judge, coroner, or other authority having power to commit a person to any prison with a view to his trial, and shall include a person who is admitted to bail upon a recognizance to appear and take his trial before a judge and jury.

11 & 12 Vict. c. 42.

Meanings of "sheriff," "felony," and "misdemeanour" in future Scotch Acts.

28. In this Act and in every Act passed after the commencement of this Act, unless the contrary intention appears—

The expression "sheriff" shall, as respects Scotland, include a sheriff substitute:

The expression "felony" shall, as respects Scotland, mean a high crime and offence:

The expression "misdemeanour" shall, as respects Scotland, mean an offence.

Meaning of "county court" in future Irish Acts.

29. In every Act passed after the commencement of this Act, unless the contrary intention appears, the expression "county court" shall, as respects Ireland, mean a civil bill court within the meaning of the County Officers and Courts (Ireland) Act, 1877.

40 & 41 Vict. c. 56.

References to the Crown.

30. In this Act and in every other Act, whether passed before or after the commencement of this Act, references to the Sovereign reigning at the time of the passing of the Act or to the Crown shall, unless the contrary intention appears, be construed as references to the Sovereign for the time being, and this Act shall be binding on the Crown.

Construction of statutory rules, &c.

31. Where any Act, whether passed before or after the commencement of this Act, confers power to make, grant, or issue any instrument, that is to say, any Order in Council, order, warrant, scheme, letters patent, rules, regulations, or byelaws, expressions used in the instrument, if it is made after the commencement of this Act, shall, unless the contrary intention appears, have the same respective meanings as in the Act conferring the power.

Construction of provisions as to exercise of powers and duties.

32.—(1.) Where an Act passed after the commencement of this Act confers a power or imposes a duty, then, unless the contrary intention appears, the power may be exercised and the duty shall be performed from time to time as occasion requires.

(2.) Where an Act passed after the commencement of this Act confers a power or imposes a duty on the holder of an office, as such, then, unless the contrary intention appears, the power may be exercised and the duty shall be performed by the holder for the time being of the office.

(3.) Where an Act passed after the commencement of this Act confers a power to make any rules, regulations, or byelaws, the power shall, unless the contrary intention appears, be construed as including a power, exerciseable in the like manner and subject to the like consent and conditions, if any, to rescind, revoke, amend, or vary the rules, regulations, or byelaws.

Provisions as to offences under two or more laws.

33. Where an act or omission constitutes an offence under two or more Acts, or both under an Act and at common law, whether any such Act was passed before or after the commencement of this

Act, the offender shall, unless the contrary intention appears, be liable to be prosecuted and punished under either or any of those Acts or at common law, but shall not be liable to be punished twice for the same offence.

Measurement of distances.

34. In the measurement of any distance for the purposes of any Act passed after the commencement of this Act, that distance shall, unless the contrary intention appears, be measured in a straight line on a horizontal plane.

Citation of Acts.

35.—(1.) In any Act, instrument, or document, an Act may be cited by reference to the short title, if any, of the Act, either with or without a reference to the chapter, or by reference to the regnal year in which the Act was passed, and where there are more statutes or sessions than one in the same regnal year, by reference to the statute or the session, as the case may require, and where there are more chapters than one, by reference to the chapter, and any enactment may be cited by reference to the section or sub-section of the Act in which the enactment is contained.

(2.) Where any Act passed after the commencement of this Act contains such reference as aforesaid, the reference shall, unless a contrary intention appears, be read as referring, in the case of statutes included in any revised edition of the statutes purporting to be printed by authority, to that edition, and in the case of statutes not so included, and passed before the reign of King George the First, to the edition prepared under the direction of the Record Commission; and in other cases to the copies of the statutes purporting to be printed by the Queen's Printer, or under the superintendence or authority of Her Majesty's Stationery Office.

(3.) In any Act passed after the commencement of this Act a description or citation of a portion of another Act shall, unless the contrary intention appears, be construed as including the word, section, or other part mentioned or referred to as forming the beginning and as forming the end of the portion comprised in the description or citation.

"Commencement."

36.—(1.) In this Act, and in every Act passed either before or after the commencement of this Act, the expression "commencement," when used with reference to an Act, shall mean the time at which the Act comes into operation.

(2.) Where an Act passed after the commencement of this Act, or any Order in Council, order, warrant, scheme, letters patent, rules, regulations, or byelaws made, granted, or issued, under a power conferred by any such Act, is expressed to come into operation on a particular day, the same shall be construed as coming into operation immediately on the expiration of the previous day.

Exercise of statutory powers between passing and commencement of Act.

37. Where an Act passed after the commencement of this Act is not to come into operation immediately on the passing thereof, and confers power to make any appointment, to make, grant, or issue any instrument, that is to say, any Order in Council, order, warrant, scheme, letters patent, rules, regulations, or byelaws, to give notices, to prescribe forms, or to do any other thing for the purposes of the Act, that power may, unless the contrary intention appears, be exercised at any time after the passing of the Act, so far as may be necessary or expedient for the purpose of bringing the Act into operation at the date of the commencement thereof, subject to this restriction, that any instrument made under the power shall not, unless the contrary intention appears in the Act, or the contrary is necessary for bringing the Act into operation, come into operation until the Act comes into operation.

Effect of repeal in future Acts.

° includes 'addition' — Stevens v G.S.N. Co. 1903. 1 KB. 890.

38.—(1.) Where this Act or any Act passed after the commencement of this Act repeals and re-enacts, with or without modification,° any provisions of a former Act, references in any other Act to the provisions so repealed, shall, unless the contrary intention appears, be construed as references to the provisions so re-enacted.

(2.) Where this Act or any Act passed after the commencement of this Act repeals any other enactment, then, unless the contrary intention appears, the repeal shall not—

(*a.*) revive anything not in force or existing at the time at which the repeal takes effect; or,

(*b.*) affect the previous operation of any enactment so repealed or anything duly done or suffered under any enactment so repealed; or

* Heston & Isleworth U.D.C. v Grant, 1897 WN 60, 74, 2 Ch 306 Brown v [illegible] 1902

(*c.*) affect any right, privilege, obligation, or liability acquired,* accrued, or incurred under any enactment so repealed; or

(*d.*) affect any penalty, forfeiture, or punishment incurred in respect of any offence committed against any enactment so repealed; or

(*e.*) affect any investigation, legal proceeding, or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture, or punishment as aforesaid;

and any such investigation, legal proceeding, or remedy may be instituted, continued, or enforced, and any such penalty, forfeiture, or punishment may be imposed, as if the repealing Act had not been passed.

Supplemental.

Definition of "Act" in this Act.

39. In this Act the expression "Act" shall include a local and personal Act and a private Act.

Saving for past Acts.

40. The provisions of this Act respecting the construction of Acts passed after the commencement of this Act shall not affect the construction of any Act passed before the commencement of this Act, although it is continued or amended by an Act passed after such commencement.

Repeal.

41. The Acts described in the Schedule to this Act are hereby repealed to the extent appearing in the third column of the Schedule.

Commencement of Act.

42. This Act shall come into operation on the first day of January one thousand eight hundred and ninety.

Short title.

43. This Act may be cited as the Interpretation Act, 1889.

SCHEDULE.

Enactments Repealed.

Section 41.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
7 & 8 Geo. 4. c. 28.	An Act for further improving the administration of justice in criminal cases in England.	Section fourteen.
9 Geo. 4. c. 54.	An Act for improving the administration of justice in criminal cases in Ireland.	Section thirty-five.
7 Will. 4. & 1 Vict. c. 39.	An Act to interpret the word "sheriff," "sheriff clerk," "shire," "sheriffdom," and "county," occurring in Acts of Parliament relating to Scotland.	The whole Act.
13 & 14 Vict. c. 21.	An Act for shortening the language used in Acts of Parliament.	The whole Act.
29 & 30 Vict. c.113.	The Poor Law Amendment Act of 1866.	Section eighteen, from the beginning to "can be appointed, and."
42 & 43 Vict. c. 49.	The Summary Jurisdiction Act, 1879.	In section twenty the subsections numbered (3) and (6). Section fifty.
47 & 48 Vict. c. 43.	The Summary Jurisdiction Act, 1884.	Section seven.
51 & 52 Vict. c. 43.	The County Courts Act, 1888	Section one hundred and eighty-seven, from the beginning to "is meant, and."

CHAPTER 64.

An Act to remove doubts as to the Power of the Local Government Board to make Regulations respecting Cholera. [30th August 1889.]

WHEREAS under section fifty-two of the Sanitary Act, 1866, and section one hundred and thirty of the Public Health Act, 1875, the Local Government Board have power to make regulations with a view to the treatment of persons affected with cholera or any other epidemic, endemic, or infectious disease, and preventing the spread of cholera and such other diseases, both on land and water:

29 & 30 Vict. c. 90.
38 & 39 Vict. c. 55.

And whereas the Local Government Board, Ireland, have like powers:

And whereas doubts have arisen as to the extent of such powers as respects authorities and vessels, and it is expedient to remove such doubts:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title and construction.

1. This Act may be cited as the Public Health Act, 1889.

This Act, so far as it relates to England, shall be construed as part of section one hundred and thirty of the Public Health Act, 1875, and as regards that part of the county of London to which section fifty-two of the Sanitary Act, 1866, applies, as part of that section.

Explanation of powers of Local Government Board to make regulations under 38 & 39 Vict. c. 55. s. 130, and 29 & 30 Vict. c. 90. s. 52.

2. Regulations of the Local Government Board made in relation to cholera and choleraic diarrhœa in pursuance of section one hundred and thirty of the Public Health Act, 1875, or of section fifty-two of the Sanitary Act, 1866, may provide for such regulations being enforced and executed by the officers of Customs as well as by other authorities and officers, and without prejudice to the generality of the powers conferred by the said sections may provide for the detention of vessels and of persons on board vessels, and for the duties to be performed by pilots, masters of vessels, and other persons on board vessels;

(2.) Provided that the regulations, so far as they apply to the officers of Customs, shall be subject to the consent of the Commissioners of Her Majesty's Customs;

(3.) The officers of Customs, for the purpose of the execution of any powers and duties under the said regulations, may exercise any powers conferred on such officers by any other Act.

Application to Ireland.

3. In this Act so far as it applies to Ireland—

(*a.*) references to section one hundred and thirty of the Public Health Act, 1875, shall be read and construed as references to section one hundred and forty-eight of the Public Health (Ireland) Act, 1878;

41 & 42 Vict. c. 52.

(*b.*) the expression "Local Government Board" shall mean the Local Government Board for Ireland.

CHAPTER 65.

An Act to amend the Law as to the Council of India.

[30th August 1889.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Power to reduce number of Council.

1. The Secretary of State may, if and whenever he thinks fit, and provided that the total number of the Council be not thereby reduced below ten, record his intention to abstain from filling any vacancy in the Council of India, and such vacancy shall thenceforward remain unfilled.

2. This Act may be cited as the Council of India Reduction Act, 1889. Short title.

CHAPTER 66.

An Act to facilitate the Construction of Light Railways in Ireland. [30th August 1889.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited for all purposes as the Light Railways (Ireland) Act, 1889. Short title.

2.—(1.) This Act shall not extend to England or Scotland. Extent of Act.

(2.) The Lord Lieutenant by Order in Council may from time to time declare that it is desirable that a light railway should be constructed between certain places for the development of fisheries or other industries, but that owing to the circumstances of the district special assistance from the State is required for its construction, and declare that the provisions herein-after enacted shall be applicable to such light railway, and thereupon the provisions of this Act shall be applicable to a light railway between the said places; but the provisions of this Act shall not apply except to a light railway specified in such an Order in Council as aforesaid, and shall cease to apply to such railway unless the same be constructed within a period to be mentioned in the said order or such extended period as shall be named in any subsequent order.

3. This Act shall apply only (*a*) where the promoters of the light railway are an Irish railway company having a railway open for traffic; or (*b*) where the promoters have made an agreement approved of by the Treasury for the maintenance, management, and working of the light railway by such a railway company; or (*c*) where the promoters in making application to the grand jury of any county under the Tramways (Ireland) Acts propose that a barony or baronies in the county shall guarantee the payment of dividends upon a portion of the paid-up capital of the light railway, pursuant to the provisions of the Tramways and Public Companies (Ireland) Act, 1883, which promoters are hereby authorised to do. Who may be promoters. 46 & 47 Vict. c. 43.

4.—(1.) If the report of the Board of Works made upon the inquiry directed by the ninth section of the Tramways (Ireland) Act, 1860, as altered by this Act, shall have approved of the undertaking with or without any modification thereof, the Treasury may sanction such undertaking or any modification thereof of which they may approve and make an agreement with such Treasury agreements with and advances to railway companies.

promoters, being a public company, for the construction, maintenance, and working of the light railway, or any or either of the said matters, upon such terms and conditions in all respects as to the execution of the undertaking and any contracts to be made therefor, or as to any other matter relating to the undertaking as the Treasury shall think fit.

(2.) The Treasury may, subject to the limitations as to amount in this Act contained, agree that the undertaking may be aided out of public money either by a capital sum or by an annual payment, or partly in one way and partly in another.

(3.) The capital sum may be a free grant or a loan, or partly one and partly the other, but no loan shall be made to any company which owes arrears of principal or interest to the Treasury, or to any promoters whose agreement for construction, maintenance, or working is made with such a company.

(4.) A free grant or an annual payment shall be paid out of moneys provided by Parliament.

(5.) Any such loan shall be made by the Board of Works, under the directions of the Treasury, out of moneys at the disposal of such Board for local loans, and shall be advanced on such conditions and at such rate of interest as the Treasury may direct.

Order in Council to confirm agreement.

23 & 24 Vict. c. 152.

5. Where such an agreement has been made by the Treasury, the Order in Council which the Lord Lieutenant is authorised to make under the Tramways (Ireland) Acts as altered by this Act, may provide that the forty-second and forty-third sections of the Tramways (Ireland) Act, 1860, or either of them, shall not apply to such light railway, and may include, in addition to any provisions which it might have contained if this Act had not been passed, a confirmation of the agreement so made as aforesaid, and, where such an agreement has been made with a railway company, may sanction the promotion of the light railway, or the maintenance, management, and working thereof by such railway company, and may authorise such railway company to raise as capital such additional sum of money for such purpose and in such manner as shall be specified in such Order, and for the purpose of such an agreement it shall be lawful for a railway company to be promoters of a light railway, or to make an agreement for the maintenance, management, and working thereof: Provided always, that where such sanction or authority is given to a railway company, such Order shall only be made when the railway company establishes to the satisfaction of the Lord Lieutenant in Council that a copy of the proposed Order has been submitted to the proprietors of the railway company held specially for that purpose, as if such Order were a Bill promoted in Parliament by the railway company, and that all matters and things have been done and have happened, and all times have elapsed which, if such Order were a Bill so promoted as aforesaid, should have been done and have happened and elapsed in order to constitute compliance with the Standing Orders of Parliament applicable to Bills promoted by railway companies for the like purposes to those referred to in this section.

Such Order in Council shall not take effect unless confirmed by Parliament if a petition against it is presented to the Lord Lieutenant in Council and the petitioner appears and proceeds therewith.

Limit of Treasury aid.

6.—(1.) The Treasury shall not undertake, in pursuance of this Act, to pay in the aggregate a sum exceeding twenty thousand pounds a year in addition to the residue, if any, for the time being remaining unappropriated of the sum of forty thousand pounds a year mentioned in the ninth section of the Tramways and Public Companies (Ireland) Act, 1883.

46 & 47 Vict. c. 43.

(2.) Any aid given in pursuance of this Act by any capital sum or sums shall not exceed in the aggregate the sum of six hundred thousand pounds or such less sum as herein-after mentioned.

(3.) The annual amount which the Treasury are authorised to pay by virtue of this Act shall be reduced by an annual sum equal to three per cent. per annum on the amount of any aid given in pursuance of this Act by a capital sum, whether by a free grant or a loan.

(4.) If the Treasury undertake to pay any annual sum or sums under the Tramways and Public Companies (Ireland) Act, 1883, and this Act in excess of forty-two thousand pounds a year, the amount of the aid which may be given under this Act by a capital sum shall be diminished by such sum as with interest at the rate of three per cent. per annum would produce the amount of such excess.

Modifications of 23 & 24 Vict. c. 152.

7. In the case of any light railway to which the provisions of this Act shall be applicable, the following modifications of the provisions of the Tramways and Public Companies (Ireland) Act, 1860, shall be made—

(*a.*) The first regulation contained in Schedule (A) to the said Act, Part V., shall be read and construed as if after the words "neighbourhood of the proposed tramway" there were added the words and figures following, that is to say:—

"(6.) The propriety of the amount fixed as the nominal capital for the construction of the light railway, and the amount of paid up capital which will be necessary for the purposes of the undertaking, and also the amount of capital which will be necessary as a provision for working capital.

"(7.) The merits of the proposed light railway in all points of view as compared with any other light railway which might be constructed opening up communication through the same district as the proposed line.

(*b.*) The inquiry directed by the ninth section of the Tramways (Ireland) Act, 1860, as altered by this Act, shall take place before any such application is made to the Treasury as herein-before is mentioned, and for the purpose of such inquiry and of enabling them to make their report thereon the Board of Works may obtain and use the assistance of such persons, with the consent of the Treasury as to number, skilled in the subjects of the inquiry, as the Board of Works may consider necessary.

Preparation and audit of accounts of expenditure under the Act. 46 & 47 Vict. c. 43.

8. The Board of Works shall, at the end of each financial year in which any part of any sum issued under the Tramways and Public Companies (Ireland) Act, 1883, or under this Act (in this section referred to as the said Acts) out of the Exchequer, or out of money applicable for local loans is expended, make up such accounts as may be required by the Treasury of the money issued from the Exchequer, or out of money applicable for local loans, which has been expended in pursuance of the said Acts and the purposes for which it was expended, and the mode in which the money was provided.

Application of Railway and Canal Traffic Acts.

9. The Regulation of Railways Act, 1873, and the Railway and Canal Traffic Act, 1888, shall, so far as circumstances may admit, and so far as those enactments are not inconsistent with the Tramways (Ireland) Act, or this Act, apply to light railways constructed under this Act; and for the purposes of this section a light railway shall be deemed to be a railway within the meaning of the Regulation of Railways Act, 1873, and the Railway and Canal Traffic Act, 1888.

Application of Act to previous presentments.

10. Where application for a presentment or approval for the purpose of a light railway has been made at the summer assizes one thousand eight hundred and eighty-nine, this Act shall, so far as applicable, extend to such railway: Provided always, that this section shall not apply where an application for a guarantee has been made before the passing of this Act.

Interpretation.

11. In this Act, unless there is something inconsistent in the context—

The expression "the Tramways (Ireland) Acts" has the same meaning as in the Tramways and Public Companies (Ireland) Act, 1883, and also includes the said Act.

The expression "light railway" includes tramway as that word is used in the Tramways (Ireland) Acts.

All other words and expressions in this Act which are not thereby defined or explained, and are defined or explained in any of the Tramways (Ireland) Acts, have, unless there is something inconsistent in the context, the same meaning as in the last-mentioned Acts, and the said Acts as varied by this Act and this Act shall, so far as is consistent with the tenor thereof, be read together and construed as one Act.

CHAPTER 67.

An Act to continue various Expiring Laws.

[30th August 1889.]

WHEREAS the several Acts mentioned in column one of Parts I. and IV. of the First Schedule to this Act are, in so far as they are in force and are temporary in their duration, limited to expire on the thirty-first day of December one thousand eight hundred and eighty-nine:

And whereas the Act mentioned in column one of Part II. of the First Schedule to this Act is, so far as relates to the provision mentioned in column two of that schedule, limited to expire on the expiration of six months from the day fixed for the first election of the councillors of any council to which the provision applies, that is to say, from a day which fell in the month of January one thousand eight hundred and eighty-nine:

And whereas the Act mentioned in column one of Part III. of the First Schedule to this Act is, so far as relates to the provision mentioned in column two of that Schedule, limited to expire on the twenty-third day of August one thousand eight hundred and eighty-nine:

And whereas the several Acts mentioned in column one of Part I. of the Second Schedule to this Act are, in so far as they are in force and are temporary in their duration, limited to expire on the thirty-first day of March one thousand eight hundred and ninety:

And whereas the Act mentioned in column one of Part II. of the Second Schedule to this Act is, in so far as it is in force, and is temporary in its duration, limited to expire on the thirty-first day of December one thousand eight hundred and eighty-nine:

And whereas it is expedient to provide for the continuance as in this Act mentioned of those Acts, and of the enactments amending the same:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited as the Expiring Laws Continuance Act, 1889.

Continuance of Acts in schedule.

2.—(1.) The Acts mentioned in column one of Parts I., II., and III. of the First Schedule to this Act shall, to the extent specified in column two of that schedule, be continued until the thirty-first day of December one thousand eight hundred and ninety:

(2.) The Act mentioned in column one of Part IV. of the First Schedule to this Act, shall, to the extent specified in column two of that schedule, be continued until the thirty-first day of March one thousand eight hundred and ninety:

(3.) The Acts mentioned in column one of the Second Schedule to this Act shall, to the extent specified in column two of that schedule, be continued until the thirty-first day of March one thousand eight hundred and ninety-one:

(4.) Any unrepealed enactments amending or affecting the enactments continued by this Act shall, in so far as they are temporary in their duration, be continued in like manner.

SCHEDULES.

FIRST SCHEDULE.

Part I.

1. Original Acts.	2. How far continued.	3. Amending Acts.
(1) 5 & 6 Will. 4. c. 27. Linen, Hempen, Cotton, and other Manufactures (Ireland).	The whole Act so far as it is not repealed.	3 & 4 Vict. c. 91. 5 & 6 Vict. c. 68. 7 & 8 Vict. c. 47. 30 & 31 Vict. c. 60.
(2) 3 & 4 Vict. c. 89. Poor Rates, Stock in Trade Exemption.	The whole Act.	——
(3) 4 & 5 Vict. c. 30. Survey of Great Britain.	The whole Act so far as it is not repealed.	33 Vict. c. 13. 47 & 48 Vict. c. 43.
(4) 4 & 5 Vict. c. 59. Application of Highway Rates to Turnpike Roads.	The whole Act.	——
(5) 10 & 11 Vict. c. 98. Ecclesiastical Jurisdiction.	As to provisions continued by 21 & 22 Vict. c. 50.	——
(6) 11 & 12 Vict. c. 32. County Cess (Ireland).	The whole Act - -	20 & 21 Vict. c. 7.
(7) 14 & 15 Vict. c. 104. Episcopal and Capitular Estates Management.	The whole Act so far as it is not repealed.	17 & 18 Vict. c. 116. 21 & 22 Vict. c. 94. 22 & 23 Vict. c. 46. 23 & 24 Vict. c. 124. 31 & 32 Vict. c. 114. s. 10.
(8) 17 & 18 Vict. c. 102. Corrupt Practices Prevention.	So much as is continued by the Corrupt and Illegal Practices Prevention Act, 1883.	26 & 27 Vict. c. 29. s. 6. 31 & 32 Vict. c. 125. 46 & 47 Vict. c. 51.
(9) 23 & 24 Vict. c. 19. Dwellings for Labouring Classes (Ireland).	The whole Act.	——
(10) 24 & 25 Vict. c. 109. Salmon Fishery (England).	As to appointment of inspectors, s. 31.	49 & 50 Vict. c. 39. s. 3.
(11) 26 & 27 Vict. c. 105. Promissory Notes.	The whole Act - -	45 & 46 Vict. c. 61.

1. Original Acts.	2. How far continued.	3. Amending Acts.
(12) 27 & 28 Vict. c. 20. Promissory Notes and Bills of Exchange (Ireland).	The whole Act.	——
(13) 28 & 29 Vict. c. 46. Militia Ballots Suspension.	The whole Act.	——
(14) 28 & 29 Vict. c. 83. Locomotives on Roads.	The whole Act so far as it is not repealed.	41 & 42 Vict. c. 58. 41 & 42 Vict. c. 77. (Part II.)
(15) 29 & 30 Vict. c. 52. Prosecution Expenses.	The whole Act.	——
(16) 31 & 32 Vict. c. 125. Parliamentary Elections.	So much as is continued by the Corrupt and Illegal Practices Prevention Act, 1883.	42 & 43 Vict. c. 75. 46 & 47 Vict. c. 51.
(17) 32 & 33 Vict. c. 21. Election Commissioners Expenses.	The whole Act - -	34 & 35 Vict. c. 61.
(18) 33 & 34 Vict. c. 112. Glebe Loans (Ireland).	The whole Act - -	34 & 35 Vict. c. 100. 41 Vict. c. 6.
(19) 34 & 35 Vict. c. 87. Sunday Observance Prosecutions.	The whole Act.	——
(20) 35 & 36 Vict. c. 33. Parliamentary and Municipal Elections (Ballot).	The whole Act so far as it is not repealed.	45 & 46 Vict. c. 50. (Municipal Elections.)
(21) 38 & 39 Vict. c. 84. Returning Officers Expenses.	The whole Act - -	46 & 47 Vict. c. 51. s. 32. 48 & 49 Vict. c. 62. 49 & 50 Vict. c. 57.
(22) 39 & 40 Vict. c. 21. Juries (Ireland).	The whole Act.	——
(23) 41 & 42 Vict. c. 41. Returning Officers Expenses (Scotland).	The whole Act - -	48 & 49 Vict. c. 62. 49 & 50 Vict. c. 58.
(24) 41 & 42 Vict. c. 72. Sale of Liquors on Sunday (Ireland).	The whole Act.	——

1. Original Acts.	2. How far continued.	3. Amending Acts.
(25) 43 Vict. c. 18. Parliamentary Elections.	The whole Act, so far as it is not repealed.	—
(26) 43 & 44 Vict. c. 42. Employers Liability.	The whole Act.	—
(27) 44 & 45 Vict. c. 49. Land Law (Ireland).	As to the offices of two of the Land Commissioners and the filling of vacancies.	48 & 49 Vict. c. 73. s. 17. 50 & 51 Vict. c. 33.
(28) 45 & 46 Vict. c. 59. Educational Endowments (Scotland).	As to the powers of Her Majesty in Council and of the Scotch Education Department.	—
(29) 46 & 47 Vict. c. 35. Diseases Prevention, Metropolis.	The whole Act, so far as it is temporary, except s. 11.	47 & 48 Vict. c. 60.
(30) 46 & 47 Vict. c. 51. Corrupt and Illegal Practices Prevention.	The whole Act.	—
(31) 47 & 48 Vict. c. 70. Municipal Elections (Corrupt and Illegal Practices).	The whole Act.	—
(32) 48 & 49 Vict. c. 73. Purchase of Land (Ireland).	As to the offices of two of the Land Commissioners and the filling of vacancies.	50 & 51 Vict. c. 33. 51 & 52 Vict. c. 49. 52 & 53 Vict. c. 13.
(33) 49 & 50 Vict. c. 55. Shop Hours Regulation.	The whole Act.	—

Part II.

1. Original Act.	2. How far continued.	3. Amending Acts.
51 & 52 Vict. c. 41. Local Government (England and Wales).	As to power of making orders on application of County Council, s. 108 (3).	—

PART III.

1. Original Act.	2. How far continued.	3. Amending Act.
50 & 51 Vict. c. 33. Land Law (Ireland).	So much of section one as relates to the time within which applications under the section may be made.	51 & 52 Vict. c. 13.

PART IV.

1. Original Act.	2. How far continued.	3. Amending Act.
38 & 39 Vict. c. 48. Police Expenses.	The whole Act, so far as it relates to Scotland.	——

SECOND SCHEDULE.

PART I.

1. Original Acts.	2. How far continued.	3. Amending Acts.
32 & 33 Vict. c. 56. Endowed Schools (Schemes).	As to the powers of making schemes and as to the payment of the salaries of additional Charity Commissioners.	36 & 37 Vict. c. 87. 37 & 38 Vict. c. 87.
48 & 49 Vict. c. 78. Educational Endowments (Ireland).	As to powers of making schemes.	——

PART II.

1. Original Acts.	2. How far continued.	3. Amending Acts.
46 & 47 Vict. c. 36. City of London Parochial Charities.	As to powers of Charity Commissioners.	——

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CHAPTER 68.

An Act to amend the Law relating to Pilotage.

[30th August 1889.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Removal of doubts as to application of pilotage provisions of 17 & 18 Vict. c. 104. to foreign ships.

1. Whereas doubts have arisen as to the extent of the application of certain provisions of Part Five of the Merchant Shipping Act, 1854, and it is expedient to remove those doubts; be it therefore enacted and declared that in the construction of Part Five of the Merchant Shipping Act, 1854, and of the enactments amending the same, the expression "ship" includes a foreign ship.

Provisional orders as to pilotage authorities and districts.

2.—(1.) The Board of Trade may from time to time, by provisional order—

(*a*) make provision or further provision for the direct representation of pilots and, if it seems expedient, also of shipowners, on the pilotage authority of any district, or if there is a pilotage committee of that authority, or any body of commissioners or sub-commissioners appointed by that authority, then on that committee or body; and

(*b*) extend the limits of any pilotage district by including therein any area in the United Kingdom in which there is no pilotage authority, so, however, that in the area so included there shall be no compulsory pilotage and no restriction on the power of duly qualified persons to obtain licences as pilots.

25 & 26 Vict. c. 63.

(2.) The provisions of section forty of the Merchant Shipping Act Amendment Act, 1862, shall apply in the case of any provisional order made in pursuance of this section.

Disciplinary powers of committee, commissioners, sub-commissioners, &c.

3. Where in pursuance of this Act provision has been made for the representation of pilots on the pilotage committee or commissioners or sub-commissioners for any pilotage district, the committee, commissioners, or sub-commissioners shall have power to suspend or dismiss, or to suspend or revoke the certificate of, any pilot licensed for that district who is guilty of any offence under section three hundred and sixty-five, or section three hundred and sixty-six, or section three hundred and sixty-seven of the Merchant Shipping Act, 1854.

17 & 18 Vict. c. 104.

Appeals from pilotage authorities.

4.—(1.) If a pilot is aggrieved by the decision of a pilotage authority or a pilotage committee, or of any commissioners or sub-commissioners for a pilotage district, with respect to his suspension or dismissal, or the suspension or revocation of his licence, or the imposition of a fine exceeding two pounds, or the application of any pilotage fund to which he has contributed prejudicing his rights in respect of the fund, he may appeal therefrom either to a judge of county courts having jurisdiction within the port for which the pilot is licensed, or to a metropolitan police or stipendiary magistrate having jurisdiction within that port.

(2.) For the purpose of hearing the appeal, the judge or magistrate shall sit with an assessor of nautical and pilotage experience.

(3.) The assessor shall be selected and summoned by the judge or magistrate, but where any person is proposed to be summoned as an assessor, objection to him, either personally or in respect of his qualification, may be taken by either party to the appeal: Provided that in the case of a pilot licensed by the Trinity House for any district on the coast of England or Wales, the assessor shall be selected from the Brethren of the Trinity House.

(4.) The judge or magistrate may either confirm or reverse the decision of the pilotage authority, or modify the same by increasing or decreasing any penalty or otherwise, as may seem just, and his decision shall be final.

(5.) The costs incurred by a pilotage authority under this section shall be payable out of any fund applicable to the general expenses of the pilotage authority.

(6.) Rules with respect to the procedure under this section (including costs and the remuneration of assessors) may from time to time be made, as respects judges of county courts, by the authority having power to make rules of practice under the County Courts Act, 1888, and as respects metropolitan police and stipendiary magistrates by one of Her Majesty's Principal Secretaries of State, but in either case with the concurrence of the Commissioners of Her Majesty's Treasury as to fees.

51 & 52 Vict. c. 43.

Employment of unqualified pilots.

5. If any master of a ship navigating outside a district in which pilotage is compulsory knowingly employs or continues to employ an unqualified pilot after a qualified pilot has offered to take charge of the ship, or has made a signal for that purpose, he shall in every case incur a penalty of double the amount of pilotage demandable for the conduct of the ship.

Returns as to pension fund.

6. The returns required by section three hundred and thirty-seven of the Merchant Shipping Act, 1854, to be made by a pilotage authority to the Board of Trade shall include separate accounts of the receipts and expenditure in respect of any pension or superannuation funds administered by or under the control of the pilotage authority.

Byelaws as to contributions to pilotage funds.

7. The powers of making byelaws conferred on a pilotage authority by section three hundred and thirty-three of the Merchant Shipping Act, 1854, shall extend to making byelaws requiring masters or mates who hold pilotage certificates granted in pursuance of section three hundred and forty or section three hundred and forty-two of that Act to contribute towards the pilotage fund of the district, and requiring that a periodical return of the pilotage services rendered by such masters or mates be made by them to the pilotage authority. Provided that the contribution of a master or mate under this section shall not exceed such proportion of the pilotage dues which would have been payable in respect of his ship if he had not held a pilotage certificate, as may be from time to time fixed by the Board of Trade.

Application of fees in respect of pilotage certificates.

8. The fees mentioned in section three hundred and forty-three of the Merchant Shipping Act, 1854, shall, in the case of pilotage certificates granted or renewed by a pilotage authority, be applicable to the expenses of and incidental to the examinations referred to in that section, and to the payment of such charges in connexion with the preparation and renewal of pilotage certificates as may from time to time be approved by the Board of Trade, and the surplus (if any) shall be applied for the benefit of the pilots' superannuation fund of the port or district (if any), or otherwise for the benefit of the qualified pilots of the port or district to which the certificates apply in such manner as the pilotage authority may think fit.

Flag to be displayed where master or mate has

9.—(1.) Where the master or mate of a ship holds a pilotage certificate granted under section three hundred and forty or three hundred and forty-two of the Merchant Shipping Act, 1854, the pilotage certificate.

ship shall, so long as he is on board, and as the ship is within a district in which pilotage is compulsory, display a flag of the description mentioned in section three hundred and forty-six of the same Act, and, if default is made in complying with this section, the master of the ship shall incur a penalty not exceeding twenty pounds.

(2.) The holder of such a pilotage certificate shall be deemed to be a licensed pilot within the meaning of section three hundred and forty-eight of the Merchant Shipping Act, 1854.

Penalty on ordinary boat displaying colourable imitation of pilot flag.

10. Whereas by section three hundred and forty-eight of the Merchant Shipping Act, 1854, a penalty is imposed for unlawfully displaying a pilot flag, and it is expedient to extend the provisions of that section to the display of a colourable imitation of a pilot flag; be it therefore enacted that if any boat or ship, not having on board a licensed pilot or a master or mate holding a pilotage certificate granted in pursuance of section three hundred and forty or section three hundred and forty-two of the Merchant Shipping Act, 1854, displays a flag so nearly resembling a flag of the description mentioned in section three hundred and forty-six of that Act, as to be likely to deceive, there shall be incurred for every such offence a penalty not exceeding fifty pounds, to be recovered from the owner or from the master of the boat or ship, unless he proves that he had no intention to deceive.

Recovery of pilotage dues.

11. So much of section three hundred and sixty-three of the Merchant Shipping Act, 1854, as enacts that pilotage dues shall not be recovered until the dues so demanded have remained unpaid for seven days after the time of such demand being made, is hereby repealed.

Application to Scotland.

12. In the application of this Act to Scotland the following modifications shall be made:—

(*a.*) An appeal under this Act from the decision of the pilotage authority shall be to the sheriff having jurisdiction at the port where the decision is given, and may be heard by the sheriff or sheriff substitute sitting with an assessor as provided in this Act;

(*b.*) The Court of Session may from time to time by Acts of Sederunt make rules with respect to the procedure in case of such appeals (including costs and the remuneration of assessors) subject to the concurrence of the Commissioners of Her Majesty's Treasury as to fees.

Application to Ireland.

13. In the application to Ireland of the provisions of this Act with respect to appeals from pilotage authorities—

(*a.*) The expressions "judge of county courts" and "judge" shall respectively mean a county court judge and chairman of quarter sessions, and include recorder;

(*b.*) The expressions "stipendiary magistrate" and "magistrate" shall respectively mean a magistrate appointed under the Act of the session held in the sixth and seventh years of the reign of King William the Fourth, chapter thirteen, intituled "An Act to consolidate the laws relating to the Constabulary in Ireland";

(*c.*) Rules with respect to the procedure in cases of such appeals (including costs and the remuneration of assessors) may from time to time be made, as respects county court judges and chairmen of quarter sessions, by the authority having power to make rules and orders for regulating the practice under the County Officers and Courts (Ireland) Act, 1877, and as respects stipendiary magistrates, by the Lord Lieutenant of Ireland in Council, but in either case with the concurrence of the Commissioners of Her Majesty's Treasury as to fees. 40 & 41 Vict. c. 56.

14. The enactments described in the schedule to this Act shall be repealed to the extent in the third column of that schedule mentioned, without prejudice to any right or privilege acquired or liability incurred before the commencement of this Act. Repeal.

15. This Act shall be construed as one with Part Five of the Merchant Shipping Act, 1854. Construction of Act.

16. This Act shall come into operation on the first day of January one thousand eight hundred and ninety, which day is in this Act referred to as the commencement of this Act, but any rules which may be required for the purposes of this Act may be made at any time after the passing thereof. Commencement of Act.

17.—(1.) This Act may be cited as the Merchant Shipping (Pilotage) Act, 1889. Short titles.

(2.) This Act and the Merchant Shipping Acts, 1854 to 1887, may be cited collectively as the Merchant Shipping Acts, 1854 to 1889.

SCHEDULE.

Enactments repealed.

Session and Chapter.	Title.	Extent of Repeal.
17 & 18 Vict. c. 104.	The Merchant Shipping Act, 1854.	In section three hundred and forty-three the words "and "such fees shall, in the case "of certificates and renewals "granted by pilotage authorities, be applicable either to "paying the expense of the "examinations or any other "general expenses connected "with pilotage incurred by "such authorities, or to "the Pilots Superannuation "Fund of the district (if "any), or otherwise for the "benefit of the pilots appointed by such authorities, "as such authorities think "fit." Section three hundred and sixty-three from "and the dues so demanded" to the end of the section.

CHAPTER 69.

An Act for the more effectual Prevention and Punishment of Bribery and Corruption of and by Members, Officers, or Servants of Corporations, Councils, Boards, Commissions, or other Public Bodies. [30th August 1889.]

WHEREAS it is expedient more effectually to provide for the prevention and punishment of bribery and corruption of and by members, officers, or servants of corporations, councils, boards, commissions, and other public bodies:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Corruption in office a misdemeanor.

1.—(1.) Every person who shall by himself or by or in conjunction with any other person, corruptly solicit or receive, or agree to receive, for himself, or for any other person, any gift, loan, fee, reward, or advantage whatever as an inducement to, or reward for, or otherwise on account of any member, officer, or servant of a public body as in this Act defined, doing or forbearing to do anything in respect of any matter or transaction whatsoever, actual or proposed, in which the said public body is concerned, shall be guilty of a misdemeanor.

(2.) Every person who shall by himself or by or in conjunction with any other person corruptly give, promise, or offer any gift, loan, fee, reward, or advantage whatsoever to any person, whether for the benefit of that person or of another person, as an inducement to or reward for or otherwise on account of any member, officer, or servant of any public body as in this Act defined, doing or forbearing to do anything in respect of any matter or transaction whatsoever, actual or proposed, in which such public body as aforesaid is concerned, shall be guilty of a misdemeanor.

Penalty for offences.

2. Any person on conviction for offending as aforesaid shall, at the discretion of the court before which he is convicted,—

(*a*) be liable to be imprisoned for any period not exceeding two years, with or without hard labour, or to pay a fine not exceeding five hundred pounds, or to both such imprisonment and such fine; and

(*b*) in addition be liable to be ordered to pay to such body, and in such manner as the court directs, the amount or value of any gift, loan, fee, or reward received by him or any part thereof; and

(*c*) be liable to be adjudged incapable of being elected or appointed to any public office for seven years from the date of his conviction, and to forfeit any such office held by him at the time of his conviction; and

(*d*) in the event of a second conviction for a like offence he shall, in addition to the foregoing penalties, be liable to be adjudged to be for ever incapable of holding any public office, and to be incapable for seven years of being registered as an elector, or voting at an election either of members to serve in Parliament or of members of any public body, and the enactments for preventing the voting and registration of persons declared by reason of corrupt practices to be incapable of voting shall apply to a person adjudged in pursuance of this section to be incapable of voting; and

(*e*) if such person is an officer or servant in the employ of any public body upon such conviction he shall, at the discretion of the court, be liable to forfeit his right and claim to any compensation or pension to which he would otherwise have been entitled.

Savings.

3.—(1.) Where an offence under this Act is also punishable under any other enactment, or at common law, such offence may be prosecuted and punished either under this Act, or under the other enactment, or at common law, but so that no person shall be punished twice for the same offence.

(2.) A person shall not be exempt from punishment under this Act by reason of the invalidity of the appointment or election of a person to a public office.

Restriction on prosecution.

4.—(1.) A prosecution for an offence under this Act shall not be instituted except by or with the consent of the Attorney General.

(2.) In this section the expression "Attorney General" means the Attorney or Solicitor General for England, and as respects Scotland means the Lord Advocate, and as respects Ireland means the Attorney or Solicitor General for Ireland.

Expenses of prosecution.

5. The expenses of the prosecution of an offence against this Act shall be defrayed in like manner as in the case of a felony.

Jurisdiction of quarter sessions.

6. A court of general or quarter sessions shall in England have jurisdiction to inquire of, hear, and determine an offence under this Act.

Interpretation.

7. In this Act—

The expression "public body" means any council of a county or county of a city or town, any council of a municipal borough, also any board, commissioners, select vestry, or other body which has power to act under and for the purposes of any Act relating to local government, or the public health, or to poor law or otherwise to administer money raised by rates in pursuance of any public general Act, but does not include any public body as above defined existing elsewhere than in the United Kingdom:

The expression "public office" means any office or employment of a person as a member, officer, or servant of such public body:

The expression "person" includes a body of persons, corporate or unincorporate:

The expression "advantage" includes any office or dignity, and any forbearance to demand any money or money's worth or valuable thing, and includes any aid, vote, consent, or influence, or pretended aid, vote, consent, or influence, and also includes any promise or procurement of or agreement or endeavour to procure, or the holding out of any expectation of any gift, loan, fee, reward, or advantage, as before defined.

Application of Act to Scotland.

8. In the application of this Act to Scotland the sheriff and sheriff substitute shall have jurisdiction to try any offence under this Act; and

The expression "misdemeanor" shall mean "crime and offence;" and

The expression "municipal borough" shall mean any "burgh."

50 & 51 Vict. c. 20. not to apply to trial under Act.

9. The provisions of the Criminal Law and Procedure (Ireland) Act, 1887, shall not apply to any trial under the provisions of this Act.

Short title.

10. This Act may be cited as the Public Bodies Corrupt Practices Act, 1889.

CHAPTER 70.

An Act to apply a sum out of the Consolidated Fund to the service of the year ending on the thirty-first day of March one thousand eight hundred and ninety, and to appropriate the Supplies granted in this Session of Parliament. [30th August 1889.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal subjects, the Commons of the United Kingdom of Great Britain and Ireland in Parliament assembled, towards making good the supply which we have cheerfully granted to Your Majesty in this session of Parliament, have resolved to grant unto Your Majesty the sum herein-after mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Grant out of Consolidated Fund.

Issue of £18,438,592 out of the Consolidated Fund.

1. The Commissioners of Her Majesty's Treasury for the time being may issue out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, and apply towards making good the supply granted to Her Majesty for the service of the year ending on the thirty-first day of March one thousand eight hundred and ninety, the sum of Eighteen million four hundred and thirty-eight thousand five hundred and ninety-two pounds.

Power for the Treasury to borrow.

2. The Commissioners of Her Majesty's Treasury may borrow from time to time, on the credit of the said sum of Eighteen million four hundred and thirty-eight thousand five hundred and ninety-two pounds, any sum or sums of equal or less amount in the whole, and shall repay the moneys so borrowed, with interest not exceeding five pounds per centum per annum, out of the growing produce of the Consolidated Fund at any period not later than the next succeeding quarter to that in which the said moneys were borrowed.

Any moneys so borrowed shall be placed to the credit of the account of Her Majesty's Exchequer, and shall form part of the said Consolidated Fund, and be available in any manner in which such fund is available.

Appropriation of Grants.

Appropriation of sums voted for supply services.

3. All sums granted by this Act and the other Acts mentioned in Schedule (A.) annexed to this Act out of the said Consolidated Fund towards making good the supply granted to Her Majesty, amounting, as appears by the said schedule, in the aggregate, to the sum of Fifty-eight million one hundred and thirty thousand one hundred and eighty-nine pounds fourteen shillings and twopence are appropriated and shall be deemed to have been appropriated as from the date of the passing of the first of the Acts mentioned in the said Schedule (A.) for the purposes and services expressed in Schedule (B.) annexed hereto.

The abstract of schedules and schedules annexed hereto, with the notes (if any) to such schedules, shall be deemed to be part of this Act in the same manner as if they had been contained in the body thereof.

Treasury may, in certain cases of exigency, authorise expenditure unprovided for; provided that the aggregate grants for the navy services and for the army services respectively be not exceeded.

4. If a necessity arise for incurring expenditure not provided for in the sums appropriated to naval and military services by this Act, and which it may be detrimental to the public service to postpone until provision can be made for it by Parliament in the usual course, each of the departments entrusted with the control over the said services shall forthwith make application in writing to the Commissioners of Her Majesty's Treasury for their authority to defray temporarily such expenditure out of any surpluses which may have been or which may be effected by the saving of expenditure upon votes within the same department, and in such application the department shall represent to the Commissioners of the Treasury the circumstances which may render such additional expenditure necessary, and thereupon the said Commissioners may authorise the expenditure unprovided for as aforesaid to be temporarily defrayed out of any surpluses which may have been or which may be effected as aforesaid upon votes within the same department; and a statement showing all cases in which the naval and military departments have obtained the sanction of the said Commissioners to any expenditure not provided for in the respective votes aforesaid, accompanied by copies of the representations made to them by the said departments, shall be laid before the House of Commons with the appropriation accounts of navy and army services for the year, in order that such proceedings may be submitted for the sanction of Parliament, and that provision may be made for the deficiencies upon the several votes for the said services in such manner as Parliament may determine.

The Commissioners of the Treasury shall not authorise any expenditure which may cause an excess upon the aggregate sums appropriated by this Act for naval services and for army services respectively.

Sanction for navy and army expenditure for 1887–88 unprovided for.

5. Whereas the Commissioners of the Treasury, under the powers vested in them by the Appropriation Act, 1887, have authorised expenditure not provided for in the sums appropriated by the said Act to certain votes for naval and military services for the year ended on the thirty-first day of March one thousand eight hundred and eighty-eight to be temporarily defrayed out of surpluses, effected by the saving of expenditure, on other votes for naval and military services for the said year; viz.,

1st. A sum of Two hundred and thirty-two thousand three hundred and eighty-five pounds one shilling and ninepence for navy services out of the unexpended balances of certain votes, aided by sums realised in excess of the estimated appropriations in aid:

2nd. A sum of Sixty-four thousand eight hundred and twenty pounds thirteen shillings and sevenpence for army services out of the unexpended balances of certain votes, aided by sums realised in excess of the estimated appropriations in aid:

It is enacted that the application of the said sums is hereby sanctioned.

Declaration required in certain cases before receipt of sums appropriated.

6. A person shall not receive any part of a grant which may be made in pursuance of this Act for half-pay or army, navy, or civil non-effective services until he has subscribed such declaration as may from time to time be prescribed by a warrant of the Commissioners of Her Majesty's Treasury before one of the persons prescribed by such warrant.

Provided that, whenever any such payment is made at more frequent intervals than once in a quarter, the Commissioners of Her Majesty's Treasury may dispense with the production of more than one declaration in respect of each quarter.

Any person who makes a declaration for the purpose of this section, knowing the same to be untrue in any material particular, shall be guilty of a misdemeanor.

Short title of Act.

7. This Act may be cited for all purposes as the Appropriation Act, 1889.

ABSTRACT

OF

SCHEDULES (A.) and (B.) to which this Act refers.

SCHEDULE (A.)

	£	s.	d.
Grants out of the Consolidated Fund - - -	58,130,189	14	2

SCHEDULE (B.)—Appropriation of Grants.

	£	s.	d.	£	s.	d.
1888–89.						
Part 1. Civil Service Deficiencies, 1887–88	10,970	14	2			
,, 2. Civil Services (Supplementary) 1888–89 - - - -	165,180	0	0			
,, 2A. Navy Supplementary, 1888–89 -	45,000	0	0	221,150	14	2
1889–90.						
,, 3. Navy - - - - - -				13,685,400	0	0
,, 4. Army (including Ordnance Factories) - -				17,392,600	0	0
	£					
,, 5. Civil Services, Class I. - -	1,429,370					
,, 6. Ditto, Class II. - -	2,200,376					
,, 7. Ditto, Class III. - -	4,818,360					
,, 8. Ditto, Class IV. - -	5,917,891					
,, 9. Ditto, Class V. - -	650,062					
,, 10. Ditto, Class VI. - -	772,681					
,, 11. Ditto, Class VII. - -	42,701					
Total Civil Services - - -				15,831,441	0	0
,, 12. Revenue departments, &c. - - -				10,999,598	0	0
				58,130,189	14	2

SCHEDULE (A.)

Sched. (A.)

Grants out of the Consolidated Fund.

	£	s.	d.
For the service of the years ending 31st March 1888 and 1889:—			
Under Act 52 Vict. c. 1. - - - -	221,150	14	2
For the service of the year ending 31st March 1890:—			
Under Act 52 Vict. c. 1. - - - -	9,267,300	0	0
Under Act 52 Vict. c. 2. - - - -	3,729,203	0	0
Under Act 52 & 53 Vict. c. 15. - - -	26,473,944	0	0
Under this Act - - - - -	18,438,592	0	0
Total - - -	58,130,189	14	2

SCHEDULE (B.)—Part 1.

Civil Services Deficiencies, 1887–88.

Sched. (B.)
Part 1.
Civil Service Deficiencies, 1887–88.

Schedule of Sums granted to make good deficiencies on the several grants herein particularly mentioned for the year ended on the 31st day of March 1888; viz.:—

CIVIL SERVICES.	£	s.	d.
Class III.			
County Courts - - - - - - -	10,426	18	8
County Court Officers, &c., Ireland - - - -	336	12	6
Class IV.			
Queen's Colleges, Ireland - - - - -	207	3	0
Total - - -	10,970	14	2

Sched. (B.) Part 2. Civil Services (Supplementary), 1888-89.

SCHEDULE (B.)—Part 2.

Civil Services (Supplementary), 1888–89.

Schedule of Supplementary Sums granted to defray the charges for the Services herein particularly mentioned for the year ended on the 31st day of March 1889; viz.:—

CIVIL SERVICES.	
Class II.	£
House of Lords Offices - - - - - -	909
Land Commission for England - - - - -	3,290
Stationery and Printing - - - - - -	8,000
Charitable Donations and Bequests, Ireland - - -	292
Class III.	
Criminal Prosecutions, &c. - - - - - -	12,000
Land Registry - - - - - - -	123
Police, Counties and Boroughs, England and Wales - -	20,000
Reformatories and Industrial Schools (Great Britain) - -	600
Courts of Law and Justice, Scotland - - - -	200
Class IV.	
Public Education, England and Wales - - - -	24,690
Class V.	
South Africa and St. Helena - - - - -	28,310
Class VI.	
Superannuations, &c. - - - - - -	9,500
Pauper Lunatics, England - - - - -	7,000
Class VII.	
Crofters' Colonisation - - - - - -	10,500
Egyptian Accounts Adjustment - - - - -	39,766
Total - - - -	165,180

SCHEDULE (B.)—Part 2a.

Navy (Supplementary) 1888–9.

	£
Miscellaneous Effective Services - - - - - -	45,000

SCHEDULE (B.)—Part 3.

Sched. (B.) Part 3. Navy.

NAVY.

Schedule of Sums granted to defray the charges of the Navy Services herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1890; viz.:—

No.		Sums not exceeding
		£
1.	For wages, &c. to 65,400 officers, seamen, and boys, coastguard, and Royal marines - - - - -	3,201,700
2.	For the expense of victualling and clothing for the navy, including the cost of victualling establishments at home and abroad - - - - - -	1,061,100
3.	For medical establishments and services and cost of medicines - - - - - -	121,900
4.	For martial law, &c., including the cost of naval prisons at home and abroad - - - - -	11,400
5.	For educational services - - - - - -	71,900
6.	For divine service in Her Majesty's fleet, dockyards, and naval service - - - - - -	31,900
7.	For the expense of the royal naval reserve, reserve of retired officers, seamen and marine pensioners, and royal naval artillery volunteers - - - -	147,500
8.	Sect. 1. For the expense of the personnel for shipbuilding, repairs, and maintenance, including the cost of establishments of dockyards and naval yards at home and abroad - - - - - - -	1,619,300
,,	Sect. 2. For the expense of the materiel for shipbuilding repairs, and maintenance, including the cost of establishments of dockyards and naval yards at home and abroad - - - - - - -	1,475,500
,,	Sect. 3. For the expense of contract work for shipbuilding, repairs, and maintenance, including the cost of establishments of dockyards and naval yards at home and abroad - - - - - - -	1,565,000
9.	For naval armaments - - - - -	1,463,500
10.	For works, buildings, and repairs at home and abroad, including the cost of superintendence, purchase of sites, grants in aid, and other charges connected therewith -	451,000
11.	For miscellaneous effective services - - -	128,800
12.	For scientific services - - - - -	57,900
13.	For the expense of the Admiralty Office - - -	217,400
14.	For half-pay to officers of the navy and marines - -	78,900
15.	For reserved and retired pay to officers of the navy and marines - - - - - - -	718,500
16.	For naval pensions and allowances - - -	757,700
17.	For widows pensions and compassionate allowances -	168,300
18.	For civil pensions and gratuities - - - -	336,200
	Total Navy Services - - £	13,685,400

Sched. (B.) Part 4.

SCHEDULE (B.)—Part 4.

ARMY.

Schedule of Sums granted to defray the charges for the Army Services herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1890; viz.:—

No.		Sums not exceeding
		£
1.	For the general staff and regimental pay, allowances, and charges of Her Majesty's land forces at home and abroad, exclusive of charges on India - - - -	5,004,500
2.	For the pay and miscellaneous expenses of the chaplain's department - - - - - -	57,200
3.	For the staff of military prisons and the administration of military law - - - - - -	29,000
4.	For medical establishments and services and cost of medicines - - - - - - -	299,500
5.	For the pay and allowances of the militia (exclusive of commissariat allowances and clothing) - - -	530,000
6.	For the pay and miscellaneous allowances of the yeomanry cavalry - - - - - - -	76,000
7.	For the capitation and miscellaneous charges of volunteer corps, including pay and allowances of the permanent staff - - - - - - -	742,700
8.	For the pay and allowances of a number of army reserve first class, and of the army reserve second class, including enrolled pensioners - - - - -	477,600
9.	For the expense of transports and remounts - - -	668,400
10.	For provisions, forage, fuel, light, and other services -	2,605,000
11.	For clothing establishments, services, and supplies - -	845,600
12.	For the supply, manufacture, and repair of warlike and other stores - - - - - - -	1,808,000
13.	For superintending establishment of, and expenditure for, engineer works, buildings, and repairs at home and abroad (including purchases) (including a supplementary sum of 56,700*l.*) - - - - - - -	771,700
14.	For establishments for military education - - -	115,300
15.	For miscellaneous effective services - - - -	89,800
16.	For the salaries and miscellaneous charges of the War Office	258,800
17.	For rewards for distinguished and meritorious services, and rewards for long service and good conduct, exclusive of charges on India - - - - - - -	15,700
18.	For half-pay, &c., of field marshals, and of general, regimental, and departmental officers, exclusive of charges on India - - - - - - - -	79,300
19.	For retired pay, retired full pay, and gratuities, for reduced and retired officers, including payments awarded by Army Purchase Commissioners, exclusive of charges on India -	1,186,600
20.	For widows' pensions and gratuities, for allowances on the compassionate list, and for the relief fund, &c., exclusive of charges on India - - - - - - -	129,700
21.	For pensions and gratuities to officers for wounds - -	12,900
22.	For Chelsea and Kilmainham hospitals, and the in-pensioners thereof - - - - - - - -	31,000

Sched. (B.)
Part 4.
Army.

	Sums not exceeding
	£
23. For out-pensions for the maintenance of lunatics for whom pensions are not drawn, and for gratuities awarded in lieu of pensions, exclusive of charges on India	1,337,400
24. For superannuation, compensation, and compassionate allowances, and gratuities	177,600
25. For retired allowances, &c. to officers of the militia, yeomanry, and volunteer forces	43,200
Total Army Services £	17,392,500
Army (Ordnance Factories).	
For the expense of the ordnance factories, the productions of which are charged to other votes	100
Total Army Services (including Ordnance Factories) £	17,392,600

SCHEDULE (B.)—Part 5.

CIVIL SERVICES.—Class I.

Sched. (B.)
Part 5.
Civil Services.
Class I.

Schedule of Sums granted to defray the charges of the several Civil Services herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1890; viz.:—

No.		Sums not exceeding
		£
1.	For the maintenance and repair of the royal palaces	34,238
2.	For the maintenance and repair of Marlborough House	1,940
3.	For the royal parks and pleasure gardens	90,395
4.	For the buildings of the Houses of Parliament	42,379
5.	For the maintenance and repair of public buildings in Great Britain, including various special works; for providing the necessary supply of water; for rents of houses hired for accommodation of public departments, and charges attendant thereon	130,824
6.	For the extension of the Admiralty buildings	5,000
7.	For the supply and repair of furniture in the public departments of Great Britain	15,800
8.	For the expenses of the Customs, Inland Revenue, Post Office, and Post Office Telegraph Buildings, in Great Britain, including furniture, fuel, and sundry miscellaneous services	245,614
9.	For new buildings for county courts, maintenance and repair of courts, supply of furniture, fuel, &c., and for charges attendant thereon	29,740
10.	For charges connected with Metropolitan Police Court Buildings	25,000
11.	For one half of the expense of erecting or improving court houses or offices for the sheriff courts in Scotland, and for the Government contribution towards the cost of maintaining the courts erected or improved	9,717
12.	For the survey of the United Kingdom, including the revision of the survey of Ireland, maps for use in proceedings before the Land Judges in Ireland, publication of maps, and engraving the geological survey	215,000
13.	For the expense of the erection and maintenance (including rents, &c.) of buildings for the Department of Science and Art	10,210

Sched. (B.)
Part 5.
Civil Services.
Class I.

No.		Sums not exceeding
		£
14.	For the maintenance and repair of the British Museum and Natural History Museum buildings, for rents of premises, supply of water, fuel, &c., and charges attendant thereon -	10,847
15.	For diplomatic and consular buildings, including rents and furniture, and for the maintenance of certain cemeteries abroad - - - - - - -	26,702
16.	For maintaining certain harbours, &c. under the Board of Trade - - - - - - -	10,286
17.	For maintaining certain lighthouses abroad - - -	10,726
18.	For constructing a new harbour of refuge at Peterhead -	30,040
19.	For a grant in aid of the funds of the Commissioners of the Caledonian Canal - - - - - -	5,000
20.	For rates and contributions in lieu of rates, &c., in respect of Government property, and for salaries and expenses of the rating of Government property department - -	228,353
21.	For contribution to the funds for the establishment and maintenance of a fire brigade in the metropolis - -	10,000
22.	For erection, repairs, and maintenance of the several public works and buildings under the department of the Commissioners of Public Works in Ireland, and the maintenance of certain parks, harbours, and navigations, and for repayments to Baronies under the Tramways and Public Companies (Ireland) Act, 1883, and for the drainage works on the River Shannon - -	217,559
23.	For expenses preparatory to, and of the erection of the Museum of Science and Art National Library, and of the School of Art in Dublin - - - -	24,000
	Total Civil Services, Class I. - £	1,429,370

Sched. (B.)
Part 6.
Civil Services.
Class II.

SCHEDULE (B.)—Part 6.

CIVIL SERVICES.—Class II.

Schedule of Sums granted to defray the charges of the several Civil Services herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1890; viz.:—

No.		Sums not exceeding
		£
1.	For salaries and expenses in the offices of the House of Lords	44,244
2.	For salaries and expenses in the offices of the House of Commons - - - - - - -	50,420
3.	For salaries and expenses of the department of Her Majesty's Treasury and in the office of the Parliamentary Counsel, and the expenses of Statute Law Revision - -	58,751
4.	For salaries and expenses of the office of Her Majesty's Secretary of State for the Home Department and subordinate offices - - - - - -	94,668
5.	For salaries and expenses of the department of Her Majesty's Secretary of State for Foreign Affairs - - -	70,366
6.	For salaries and expenses of the department of Her Majesty's Secretary of State for the Colonies, including certain expenses connected with Emigration - - -	41,286
7.	For salaries and expenses of the department of Her Majesty's Most Honourable Privy Council and subordinate departments - - - - - -	51,630
8.	For salaries and expenses of the office of the Committee of Privy Council for Trade, and subordinate departments	102,388

No.		Sums not exceeding
		£
9.	For meeting the deficiency of income from fees, &c. for the requirements of the Board of Trade, under the Bankruptcy Act, 1883	7
10.	For salaries and expenses of the Charity Commission for England and Wales, including the Endowed Schools Department	41,374
11.	For salaries and expenses of the Civil Service Commission	40,168
12.	For salaries and expenses of the department of the Comptroller and Auditor General	54,882
13.	For salaries and expenses of the Registry of Friendly Societies	8,387
14.	For the salaries and expenses of the office of the Land Commissioners for England, and for defraying the repayable expenses to be incurred in matters of Inclosure and Land Improvement, and under the Extraordinary Tithe Redemption Act, 1886	12,934
15.	For salaries and expenses of the Local Government Board	160,823
16.	For salaries and expenses of the office of the Commissioners in Lunacy in England	15,215
17.	For salaries and expenses of the Mint, including the expenses of the coinage (including a supplementary sum of 50,000*l.*)	119,421
18.	For salaries and expenses of the National Debt Office	13,208
19.	For charges connected with the Patents, Designs, and Trade Marks Acts	57,496
20.	For salaries and expenses of the department of Her Majesty's Paymaster General in London and Dublin	24,190
21.	For salaries and expenses of the establishment under the Public Works Loan Commissioners	9,705
22.	For salaries and expenses of the Public Record Office in England	21,506
23.	For salaries and expenses of the department of the Registrar General of Births, &c. in England	47,952
24.	For stationery, printing, and paper, binding, and printed books, for the public departments and for the two Houses of Parliament; for the salaries and expenses of the Establishment of the Stationery Office, and the cost of Stationery Office publications, and of the Gazette Offices; and for sundry miscellaneous services, including the publication of Parliamentary Debates	562,562
25.	For salaries and expenses of the office of Woods, Forests, and Land Revenues, and of the office of Land Revenue Records and Inrolments	28,347
26.	For salaries and expenses of the office of the Commissioners of Her Majesty's Works and Public Buildings	50,250
27.	In aid of the Mercantile Marine Fund	40,000
28.	For Her Majesty's foreign and other secret services	35,000
29.	For the salaries and expenses of the office of Her Majesty's Secretary for Scotland and subordinate offices	10,095
30.	For salaries and expenses of the department of the Queen's and Lord Treasurer's Remembrancer in Exchequer, Scotland, of certain officers in Scotland, and other charges formerly on the hereditary revenue	6,226
31.	For salaries and expenses of the Fishery Board in Scotland, and for grants in aid of piers or quays	19,765
32.	For salaries and expenses of the Board of Lunacy in Scotland	5,736
33.	For salaries and expenses of the department of the Registrar General of Births, &c. in Scotland	5,997
34.	For salaries and expenses of the Board of Supervision for Relief of the Poor, and for expenses under the Public Health and Vaccination Acts, including certain grants in aid of local taxation in Scotland	29,464

SCHED. (B.)
PART 6.
Civil Services.
Class II.

No.		Sums not exceeding £
35.	For salaries of the officers and attendants of the household of the Lord Lieutenant of Ireland and other expenses	7,478
36.	For salaries and expenses of the offices of the Chief Secretary to the Lord Lieutenant of Ireland, in Dublin and London, and subordinate departments	40,271
37.	For salaries and expenses of the office of the Commissioners of Charitable Donations and Bequests for Ireland	2,070
38.	For salaries and expenses of the Local Government Board in Ireland, including various grants in aid of local taxation	131,530
39.	For salaries and expenses of the Office of Public Works in Ireland	38,962
40.	For salaries and expenses of the Public Record Office and of the Keeper of the State Papers in Ireland	5,737
41.	For salaries and expenses of the department of the Registrar General of Births, &c., and for expenses of the collection of agricultural and other statistics in Ireland	16,277
42.	For salaries and expenses of the general valuation and boundary survey of Ireland	23,588
	TOTAL CIVIL SERVICES, CLASS II. £	2,200,376

SCHED. (B.)
PART 7.
Civil Services.
Class III.

SCHEDULE (B.)—PART 7.

CIVIL SERVICES.—CLASS III.

SCHEDULE of SUMS granted to defray the charges of the several CIVIL SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1890; viz.:—

No.		Sums not exceeding £
1.	For the salaries of the law officers, the salaries and expenses of the department of the Solicitor for the affairs of Her Majesty's Treasury, Queen's Proctor, and Director of Public Prosecutions, the costs of prosecutions, and of other legal proceedings conducted by that department, and various other legal expenses, including Parliamentary Agency	74,709
2.	For criminal prosecutions at assizes and quarter sessions, and for adjudications under the Summary Jurisdiction Act, 1879, for sheriffs' expenses, compensation to clerks of the peace and others, and for expenses incurred under Extradition Treaties (including a supplementary sum of 18,000*l*.)	114,850
3.	For such of the salaries and expenses of the Supreme Court of Judicature as are not charged on the Consolidated Fund	392,812
4.	For the salaries and expenses of the Railway and Canal Commission	6,990
5.	For salaries and expenses of the office of the Wreck Commissioner	10,880
6.	For salaries and expenses connected with the County Courts	428,401
7.	For salaries and expenses of the Office of Land Registry	3,400
8.	For the expense of revising barristers in England	25,662

Sched. (B.)
Part 7.
Civil Services.
Class III.

No.		Sums not exceeding
		£
9.	For salaries and expenses of the police courts of London and Sheerness - - - - - -	18,242
10.	For the salaries of the Commissioner, and Assistant Commissioners of the Metropolitan Police, and of the Receiver for the Metropolitan Police District, the pay and expenses of officers of Metropolitan Police employed on special duties, and the salaries and expenses of the Inspectors of Constabulary - - - - - -	56,586
11.	For the expenses of the prisons in England, Wales, and the Colonies - - - - - - -	678,305
12.	For the maintenance of juvenile offenders in reformatory, industrial, and day industrial schools in Great Britain, and for the salaries and expenses of the Inspectors of Reformatories - - - - - -	282,088
13.	For the maintenance of criminal lunatics in Broadmoor Criminal Lunatic Asylum - - - - -	30,609
14.	For salaries and expenses of the Lord Advocate's department in Scotland, and other law charges - - -	64,029
15.	For salaries and expenses of the Courts of Law and Justice in Scotland, and other legal charges - - -	58,800
16.	For salaries and expenses of the offices in Her Majesty's General Register House, Edinburgh - - -	37,480
17.	For the expenses of the Establishment of the Crofters' Commission - - - - - - -	9,120
18.	For certain charges connected with the Police in Scotland -	156,125
19.	For the expenses of the Prison Commissioners for Scotland, and of the prisons under their control, including the maintenance of criminal lunatics and the preparation of judicial statistics - - - - - -	100,424
20.	For the expense of criminal prosecutions and other law charges in Ireland - - - - -	83,910
21.	For such of the salaries and expenses of the Supreme Court of Judicature in Ireland as are not charged on the Consolidated Fund - - - - - -	85,271
22.	For salaries and incidental expenses of the Court of Bankruptcy in Ireland - - - - - -	10,273
23.	For salaries and expenses of the Admiralty Court Registry in Ireland - - - - - - -	1,285
24.	For salaries and expenses of the Office for the Registration of Deeds in Ireland - - - - - -	16,243
25.	For salaries and expenses in the Office for the Registration of Judgments in Ireland - - - - -	2,097
26.	For the salaries and expenses of the office of the Irish Land Commission - - - - - -	113,214
27.	For the salaries, allowances, expenses, and pensions of various county court officers, divisional commissioners, and of magistrates in Ireland, and the expenses of sessions -	120,062
28.	For salaries and expenses of the Commissioners of Police, of the police courts and of the metropolitan police establishment of Dublin - - - - -	148,624
29.	For the expenses of the Royal Irish Constabulary - -	1,439,371
30.	For the expense of the General Prisons Board in Ireland, and of the prisons under their control; and of the registration of habitual criminals - - - -	131,065
31.	For the expenses of reformatories and industrial schools in Ireland - - - - - - -	110,521
32.	For the maintenance of criminal lunatics in Dundrum Criminal Lunatic Asylum, Ireland - - - -	6,912
	Total Civil Services, Class III. - £	4,818,360

SCHED. (B.)
PART 8.
Civil Services.
Class IV.

SCHEDULE (B.)—PART 8.

CIVIL SERVICES.—CLASS IV.

SCHEDULE of SUMS granted to defray the charges of the several CIVIL SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1890; viz.:—

No.		Sums not exceeding
		£
1.	For public education in England and Wales, including the expenses of the Education Office in London - -	3,684,339
2.	For salaries and expenses of the Department of Science and Art, and of the establishments connected therewith -	462,957
3.	For salaries and expenses of the British Museum, including the amount required for the Natural History Museum -	155,975
4.	For salaries and expenses of the National Gallery - -	14,487
5.	For salaries and expenses of the National Portrait Gallery -	2,191
6.	For grants in aid of the expenditure of certain learned societies in Great Britain and Ireland (including a supplementary sum of 1,600*l.*) - - - - -	24,500
7.	For salaries and expenses of the University of London -	14,810
8.	In aid of the expenses of certain Universities and Colleges in Great Britain - - - - - -	29,000
9.	For public education in Scotland - - - -	575,376
10.	For grants to Scottish Universities - - - -	16,888
11.	For the annuity to the Board of Trustees of manufactures in Scotland, in discharge of equivalents under the Treaty of Union, to be applied in maintenance of the National Gallery, School of Art and Museum of Antiquities, Scotland, and for the exhibition of the Torrie Collection of Works of Art, and for other purposes - - -	2,300
12.	For public education under the Commissioners of National Education in Ireland - - - - -	917,847
13.	For the salaries and expenses of the National School Teachers' Superannuation Office, Dublin - - -	1,492
14.	For the salary and expenses of the Office of the Commissioners of Education in Ireland appointed for the regulation of endowed schools - - - - - -	700
15.	For salaries and expenses of the National Gallery of Ireland, and for the purchase of pictures - - - -	2,501
16.	In aid of the expenses of the Queen's Colleges in Ireland -	10,528
17.	In aid of the expenses of the Royal Irish Academy - -	2,000
	TOTAL CIVIL SERVICES, CLASS IV. - - £	5,917,891

Sched. (B.)
Part 9.
Civil Services.
Class V.

SCHEDULE (B.)—Part 9.

CIVIL SERVICES.—Class V.

Schedule of Sums granted to defray the charges of the several Civil Services herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1890; viz.:—

No.		Sums not exceeding
		£
1.	For expenses of Her Majesty's embassies and missions abroad (including a supplementary sum of 7,650*l.*) - - -	246,698
2.	For consular establishments abroad, and for other expenditure chargeable on the Consular Vote - - -	176,094
3.	For the expenses of various services (other than Consular) in connection with the suppression of the slave trade, and the expenses of the Liberated African Department, (including a supplementary sum of 6,000*l.*) - - -	23,630
4.	For salaries and expenses of the three representatives of Her Majesty's Government on the Council of Administration of the Suez Canal Company - - - -	1,355
5.	In aid of colonial local revenues, and for the salaries and allowances of governors, &c., and for other charges connected with the colonies, including expenses incurred under the Pacific Islanders Protection Act, 1875 - -	29,728
6.	For certain charges connected with the Orange River Territory, the Transvaal, Zululand, Bechuanaland, the island of St. Helena, and the High Commissioner for South Africa - - - - - - -	78,257
7.	For the subsidies to Telegraph Companies and for the salary of the Official Director - - - - -	49,300
8.	In aid of the revenue of the island of Cyprus - -	45,000
	Total Civil Services, Class V. - - £	650,062

Sched. (B.)
Part 10.
Civil Services.
Class VI.

SCHEDULE (B.)—Part 10.

CIVIL SERVICES.—Class VI.

Schedule of Sums granted to defray the charges of the several Civil Services herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1890; viz.:—

No.		Sums not exceeding
		£
1.	For superannuation and retired allowances to persons formerly employed in the public service, and for compassionate or other special allowances and gratuities awarded by the Commissioners of Her Majesty's Treasury -	480,472
2.	For pensions to masters and seamen of the merchant service, and to their widows and children - - -	15,000
3.	In aid of the local cost of maintenance of pauper lunatics in Scotland - - - - - - -	90,500
4.	In aid of the local cost of maintenance of pauper lunatics in Ireland - - - - - - -	109,005
5.	For the support of certain hospitals and infirmaries in Ireland	16,658
6.	For making good the deficiency arising from payments for interest to Savings Banks and Friendly Societies -	56,533
7.	For miscellaneous, charitable, and other allowances in Great Britain - - - - - - -	2,239
8.	For certain miscellaneous, charitable, and other allowances in Ireland - - - - - - -	2,274
	Total Civil Services, Class VI. - £	772,681

Sched. (B.)
Part 11.
Civil Services.
Class VII.

SCHEDULE (B.)—Part 11.

CIVIL SERVICES.—Class VII.

Schedule of Sums granted to defray the charges of the several Civil Services herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1890; viz.:—

No.		Sums not exceeding
		£
1.	For salaries and incidental expenses of temporary commissions and committees, including special inquiries -	23,639
2.	For certain miscellaneous expenses - - - -	8,463
3.	For repayment to the Civil Contingencies Fund of certain miscellaneous advances - - - - -	2,348
4.	For a grant-in-aid to make good certain amounts required to be written off from the assets of the Local Loans Fund	1,859
5.	For certain grants in respect of the estate of Matthew O'Reilly Dease, bequeathed for the reduction of the National Debt - - - - - -	4,507
6.	For certain advances in aid of the emigration and colonization of certain crofters and cottars of the Western Highlands and Islands of Scotland, including expenses of administration - - - - - -	1,885
	Total Civil Services, Class VII. - £	42,701

Sched. (B.)
Part 12.
Revenue
Departments,
&c.

SCHEDULE (B.)—Part 12.

REVENUE DEPARTMENTS, &c.

Schedule of Sums granted to defray the charges of the several Revenue Departments, &c. herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1890; viz.:—

No.		Sums not exceeding
		£
1.	For salaries and expenses of the Customs Department -	923,000
2.	For salaries and expenses of the Inland Revenue Department - - - - - - -	1,756,961
3.	For salaries and expenses of the Post Office services, the expenses of Post Office savings banks, and Government annuities and insurances, and the collection of the Post Office revenue - - - - - -	5,452,553
4.	For the Post Office packet service - - - -	664,405
5.	For salaries and expenses of the Post Office telegraph service (including additional sums of 49,900*l.* and 67,163*l.*) -	2,202,679
	Total Revenue Departments - - £	10,999,598

CHAPTER 71.

An Act to grant Money for the purpose of certain Local Loans, and for other purposes relating to Local Loans.
[30th August 1889.]

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Grants for public works and Scotch Fishery Board.

1.—(1.) For the purpose of local loans there may be issued by the National Debt Commissioners the following sums; namely,

(*a.*) For the purpose of loans by the Public Works Loan Commissioners, any sum or sums not exceeding in the whole the sum of two million pounds;

(*b.*) For the purpose of loans by the Commissioners of Public Works in Ireland, any sum or sums not exceeding in the whole one million pounds;

(*c.*) For the purpose of loans by the Fishery Board for Scotland, any sum or sums not exceeding in the whole twenty-five thousand pounds.

(2.) The sums so issued shall be issued during a period ending on the day on which a further Act granting money for the purposes of those loans comes into operation, and in accordance with the provisions of the National Debt and Local Loans Act, 1887.

50 & 51 Vict. c. 16.

Certain debts not to be reckoned as assets of the local loans fund.

2. Whereas it is expedient that the principal of the several local loans specified in the First Schedule hereto should, to the extent of the amount specified in the last column of that schedule, not be reckoned as assets of the local loans fund established under the National Debt and Local Loans Act, 1887: Be it therefore enacted that the principal of the said local loans shall, to that extent, be written off from the account of assets of the local loans fund, and the provisions of section fifteen of the said Act shall, so far as applicable, apply thereto.

Reduction of rate of interest on drainage and land improvement charges.

10 & 11 Vict. c. 42.

26 & 27 Vict. c. 88.

3. Whereas under the Landed Property Improvement (Ireland) Act, 1847, and the Drainage and Improvement of Lands (Ireland) Act, 1863, and the Acts amending and extending the same respectively, the Commissioners of Public Works in Ireland have granted loans for the purposes of drainage and land improvement, and such loans are to be repaid by terminable rentcharges;

And whereas in calculating such rentcharges, interest was reckoned at the rate of three and a half per centum per annum, and it is expedient to reduce the annual amount of the said rentcharges by reducing the rate of interest on which they were calculated, and extending the term during which they are payable: Be it therefore enacted as follows:—

Where under the recited Acts, or any of them, except the Acts mentioned in the Second Schedule to this Act, any drainage loan or land improvement loan has been sanctioned by the Treasury on or before the last day of December one thousand eight hundred and eighty-one, any rentcharge created either before or after the passing of this Act for repayment to the said Commissioners of the loan or of any loan granted as an addition thereto shall, as to any instalment to become due on or after the first gale day next after the passing of this Act, be reduced in the case of any rentcharge created for a term of twenty-two years, to five per cent., and in the case of any other rentcharge to four per cent. on the amount of the loan, and shall be payable for such term as the said Commissioners may by order declare to be necessary for the repayment with interest at three and one eighth per cent. per annum of so much of the loan as has not accrued due for payment on the said day, and the order shall as soon as may be after the passing of this Act be made and notified by post or otherwise in manner directed by the said Commissioners to the person by or through whom the rentcharge should be paid.

Provided that where on the said day there are unpaid arrears of instalments of the rentcharge in excess of the instalment due on that day, this section shall not apply to that rentcharge, except on such terms with respect to repayment of arrears as the Treasury may require.

An order of the said Commissioners under this section shall be deemed, according as the case requires, to form part of the original order or award charging the land with repayment of the amount advanced.

Repeal of s. 8 of 46 & 47 Vict. c. 26.

4. Section eight of the Sea Fisheries (Ireland) Act, 1883, is hereby repealed.

Effect of rentcharges created under 10 & 11 Vict. c. 32. &c.

5. Where under the Landed Property Improvement (Ireland) Act, 1847, and the Acts amending and extending the same, money has been or is hereafter advanced to the owner of any particular estate in land and a rentcharge has been or is created for the repayment of the money so advanced, then on the cesser or determination of that particular estate the rentcharge so created shall, notwithstanding anything in the said Acts, be a charge on the fee simple and inheritance of the land in priority to all charges except quit-rents, rentcharges in lieu of tithes, and any charges prior in date and created under any Act for the improvement or drainage of lands.

Rentcharge under preceding section not to exceed improved value of land.

6. The rentcharge charged under the next preceding section of this Act on the fee simple shall not exceed the improved value of the land at the time of the cesser or determination of the particular estate, resulting from the outlay of the money advanced on loan, such improved value in the case of dispute to be ascertained by the Commissioner of Valuation in Ireland in accordance with rules to be made by him.

Effect of certificate by Irish Land Commission.

7. A certificate purporting to be under the common seal of the Irish Land Commission shall be evidence that any sum stated therein to be due to that Commission in respect of any property vested in the Commission from any person named in the certificate is so due, and that any sum stated therein to be due to that Commission and to be charged on any property named therein is so charged.

Provision for redemption of annuities payable in respect of branch railways to dockyards.

8. Whereas under the agreements mentioned in the Third Schedule to this Act the Commissioners for executing the office of Lord High Admiral of the United Kingdom of Great Britain and Ireland (herein-after referred to as the Admiralty) are bound to pay annuities to certain railway companies in respect of the construction of certain branch railways to dockyards, but are entitled to redeem those annuities on the terms mentioned in those agreements, and it is expedient to make provision for such redemption; be it therefore enacted as follows:—

(1.) The Commissioners for the Reduction of the National Debt may, out of any funds for the time being in their hands on account of savings banks, lend to the Admiralty, and the Admiralty may borrow from those Commissioners such money as may be required for redemption of the said annuities, or any of them, on such terms as to interest, sinking fund, and period of repayment as may be agreed on between those Commissioners and the Admiralty with the approval of the Treasury.

(2.) The sums so advanced by those Commissioners shall be repaid out of the moneys provided by Parliament for naval services, and if and so far as those moneys are insufficient, shall be charged on and payable out of the Consolidated Fund or the growing produce thereof.

Short titles.

9.—(1.) The Act of the session held in the tenth and eleventh years of the reign of Her present Majesty, chapter thirty-two, intituled "An Act to facilitate the improvement of landed property in Ireland," is in this Act referred to and may be cited as the Landed Property Improvement (Ireland) Act, 1847.

(2.) This Act may be cited as the Public Works Loans Act, 1889.

SCHEDULES.

FIRST SCHEDULE.

Loans by the Commissioners of Public Works, Ireland.

To whom Advance was made.	Purpose of Advance.	Act authorising Advance.	Amount advanced.	Amount repaid.	Amount outstanding.	Amount to be written off against Assets of Local Loans Fund.
			£ s. d.	£ s. d.	£ s. d.	£ s. d.
Beatty, David -	Improvement of landed property.	10 Vict. c. 32.	650 0 0	65 6 0	584 14 0	584 14 0
Brady, Thomas -	Do. -	Do. -	100 0 0	7 10 2	92 9 10	92 9 10
Donovan, Bartholomew.	Do. -	Do. -	170 0 0	13 8 8	156 11 4	156 11 4
Pope, William -	Do. -	Do. -	600 0 0	14 2 4	585 17 8	585 17 8
Sundry items -	Expenses of investigation preliminary to loan.	Do. (s. 15)	86 11 8	Nil	86 11 8	86 11 8
The following tenants, viz. :—						
Gallagher, Patrick	Improvement of their holdings.	44 & 45 Vict. c. 49.	120 0 0	10 2 4	109 17 8	109 17 8
Reddan, Bridget -			100 0 0	7 13 4	92 6 8	92 6 8
Smith, Mary -			100 0 0	6 0 3	93 19 9	93 19 9
Kilmartin, James			60 0 0	3 16 1	56 3 11	56 3 11
			1,986 11 8	127 19 2	1,858 12 6	1,858 12 6

SECOND SCHEDULE.

Acts authorising Creation of Rentcharges to which Provisions for Reduction of Interest are not to apply.

Session and Chapter.	Short Title.
29 & 30 Vict. c. 49.	The Drainage Maintenance Act, 1866.
38 & 39 Vict. c. 82.	The National School Teachers' Residences (Ireland) Act, 1875.
40 & 41 Vict. c. 27.	The Public Works Loans (Ireland) Act, 1877.
42 & 43 Vict. c. 25.	The Dispensary Houses (Ireland) Act, 1879.
42 & 43 Vict. c. 74.	The National School Teachers (Ireland) Act, 1879.

THIRD SCHEDULE.

Agreements with Railway Companies as to Branch Railways to Dockyards.

Agreement between Cornwall Railway Company and Admiralty, dated 15th December 1865.

Ditto between Pembroke and Tenby Railway Company and Admiralty, dated 31st March 1870.

Ditto between Great Western Railway Company and London and South-Western Railway Company and Admiralty, dated 29th May 1874.

Ditto between London, Chatham, and Dover Railway Company and Admiralty, dated 29th July 1874.

* * *

CHAPTER 72.

An Act to provide for the Notification of Infectious Disease to Local Authorities. [30th August 1889.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited as the Infectious Disease (Notification) Act, 1889.

Extent of Act.

2. This Act shall extend—

(*a*) to every London district after the expiration of two months from the passing of this Act, and

(*b*) to any urban, rural, or port sanitary district after the adoption thereof.

Notification of infectious disease.

3.—(1.) Where an inmate of any building used for human habitation within a district to which this Act extends is suffering from an infectious disease to which this Act applies, then, unless such building is a hospital in which persons suffering from an infectious disease are received, the following provisions shall have effect, that is to say:—

(*a.*) the head of the family to which such inmate (in this Act referred to as the patient) belongs, and in his default the nearest relatives of the patient present in the building or being in attendance on the patient, and in default of such relatives every person in charge of or in attendance on the patient, and in default of any such person the occupier of the building shall, as soon as he becomes aware that the patient is suffering from an infectious disease to which this Act applies, send notice thereof to the medical officer of health of the district:

(*b.*) every medical practitioner attending on or called in to visit the patient shall forthwith, on becoming aware that the patient is suffering from an infectious disease to which this Act applies, send to the medical officer of health for the district a certificate stating the name of the patient, the situation of the building, and the infectious disease from which, in the opinion of such medical practitioner, the patient is suffering.

(2.) Every person required by this section to give a notice or certificate who fails to give the same, shall be liable on summary conviction in manner provided by the Summary Jurisdiction Acts to a fine not exceeding forty shillings;

Provided that if a person is not required to give notice in the first instance, but only in default of some other person, he shall not be liable to any fine if he satisfies the court that he had reasonable cause to suppose that the notice had been duly given.

As to forms and case of several medical practitioners.

4.—(1.) The Local Government Board may from time to time prescribe forms for the purpose of certificates under this Act, and any forms so prescribed shall be used in all cases to which they apply.

(2.) The local authority shall gratuitously supply forms of certificate to any medical practitioner residing or practising in their district who applies for the same, and shall pay to every medical practitioner for each certificate duly sent by him in accordance with this Act a fee of two shillings and sixpence if the case occurs in his private practice, and of one shilling if the case occurs in his practice as medical officer of any public body or institution.

(3.) Where in any district of a local authority there are two or more medical officers of health of such authority a certificate under this Act shall be given to such one of those officers as has charge of the area in which is the patient referred to in the certificate, or to such other of those officers as the local authority may from time to time direct.

Adoption of Act in urban or rural district.

5.—(1.) The local authority of any urban, rural, or port sanitary district may adopt this Act by a resolution passed at a meeting of such authority; and fourteen clear days at least before such meeting special notice of the meeting, and of the intention to propose such resolution, shall be given to every member of the local authority, and the notice shall be deemed to have been duly given to a member if it is either:

(*a*) given in the mode in which notices to attend meetings of the local authority are usually given, or

(*b*) where there is no such mode, then signed by the clerk of the local authority and delivered to the member or left at his usual or last known place of abode in England, or forwarded by post in a prepaid letter addressed to the member at his usual or last known place of abode in England.

(2.) A resolution adopting this Act shall be published by advertisement in a local newspaper, and by handbills, and otherwise in such manner as the local authority think sufficient for giving notice thereof to all persons interested, and shall come into operation at such time, not less than one month after the first publication of the advertisement of the resolution as the local authority may fix, and upon its coming into operation this Act shall extend to the district.

(3.) A copy of the resolution shall be sent to the Local Government Board when it is published.

Definition of infectious disease.

6. In this Act the expression "infectious disease to which this Act applies" means any of the following diseases, namely, small-pox, cholera, diphtheria, membranous croup, erysipelas, the disease known as scarlatina or scarlet fever, and the fevers known by any of the following names, typhus, typhoid, enteric, relapsing, continued, or puerperal, and includes as respects any particular district any infectious disease to which this Act has been applied by the local authority of the district in manner provided by this Act.

Power to local authority to extend definition of infectious disease.

7.—(1.) The local authority of any district to which this Act extends may, from time to time, by a resolution passed at a meeting of such authority where the like special notice of the meeting and of the intention to propose the resolution has been given as is required in the case of a meeting held for adopting this Act, order that this Act shall apply in their district to any infectious disease other than a disease specifically mentioned in this Act.

(2.) Any such order may be permanent or temporary, and, if temporary, the period during which it is to continue in force shall be specified therein, and any such order may be revoked or varied by the local authority which made the same.

(3.) An order under this section and the revocation and variation of any such order shall not be of any validity until approved by the Local Government Board.

(4.) When it is so approved, the local authority shall give public notice thereof by advertisement in a local newspaper and by handbills, and otherwise in such manner as the local authority think sufficient for giving information to all persons interested. They shall also send a copy thereof to each registered medical practitioner whom, after due inquiry, they ascertain to be residing or practising in their district.

(5.) The said order shall come into operation at such date not earlier than one week after the publication of the first advertisement of the approved order as the local authority may fix, and upon such order coming into operation, and during the continuance thereof, an infectious disease mentioned in such order shall, within the district of the authority, be an infectious disease to which this Act applies.

(6.) In the case of emergency three clear days' notice under this section shall be sufficient, and the resolution shall declare the cause of such emergency and shall be for a temporary order, and a copy thereof shall be forthwith sent to the Local Government Board and advertised, and the order shall come into operation at the expiration of one week from the date of such advertisement, but unless approved by the Local Government Board shall cease to be in force at the expiration of one month after it is passed, or any earlier date fixed by the Local Government Board.

(7.) The approval of the Local Government Board shall be conclusive evidence that the case was one of emergency.

Notices and certificates.

8.—(1.) A notice or certificate for the purposes of this Act shall be in writing or print, or partly in writing and partly in print; and for the purposes of this Act the expression "print" includes any mechanical mode of reproducing words.

(2.) A notice or certificate to be sent to a medical officer of health in pursuance of this Act may be sent by being delivered to the officer or being left at his office or residence, or may be sent by post addressed to him at his office or at his residence.

Expenses.

9. Any expenses incurred by a local authority in the execution of this Act shall be paid as part of the expenses of such authority in the execution of the Acts relating to public health and in the case of a rural authority shall be general expenses.

Repayment of expenses in London as expenses of managers of asylum district.

10. Where a medical officer of health receives in pursuance of this Act a certificate of a medical practitioner relating to a patient within the metropolitan asylum district, he shall within twelve hours after such receipt forward a copy thereof to the managers of that district, and those managers shall repay to the local authority the amounts paid by that authority in respect of those certificates of which copies have been sent to the managers as required by this section, and shall repay those amounts out of the fund out of which the general expenses of the managers are paid. The managers shall send weekly to the London County Council such return of the infectious diseases of which they receive certificates in pursuance of this Act as the London County Council from time to time require.

Non-disqualification of medical officer by receipt of fees.

11. A payment made to any medical practitioner in pursuance of this Act shall not disqualify that practitioner for serving as member of the council of any county or borough, or as member of a sanitary authority, or as guardian of a union, or in any municipal or parochial office.

Where a medical practitioner attending on a patient is himself the medical officer of health of the district, he shall be entitled to the fee to which he would be entitled if he were not such medical officer.

Application of Act to Woolwich.

12. This Act shall apply to the Local Board of Woolwich in like manner as if it were a vestry under the Metropolis Management

18 & 19 Vict. c. 120.

Act, 1855, and that board shall appoint and pay a medical officer of health, and all enactments relating to medical officers of health within the administrative county of London shall apply to the medical officer of health of Woolwich.

Application of Act to vessels, tents, &c.

13.—(1.) The provisions of this Act shall apply to every ship, vessel, boat, tent, van, shed, or similar structure used for human habitation, in like manner as nearly as may be as if it were a building.

(2.) A ship, vessel, or boat, lying in any river, harbour, or other water not within the district of any local authority within the meaning of this Act shall be deemed for the purposes of this Act to be within the district of such local authority as may be fixed by the Local Government Board, and where no local authority has been fixed, then of the local authority of the district which nearest adjoins the place where such ship, vessel, or boat is lying.

(3.) This section shall not apply to any ship, vessel, or boat belonging to any foreign Government.

Saving for local Act.

14. Where this Act is put in force in any district in which there is a local Act for the like purpose as this Act, the enactments of such local Act, so far as they relate to that purpose, shall cease to be in operation.

Exemption of Crown buildings.

15. Nothing in this Act shall extend to any building, ship, vessel, boat, tent, van, shed, or similar structure belonging to Her Majesty the Queen, or to any inmate thereof.

Definitions.

16. In this Act—

The expression "local authority" means each of the following authorities; that is to say,—

- (*a*) the Commissioners of Sewers in the City of London;
- (*b*) the vestry under the Metropolis Management Act, 1855, of a parish in Schedule A, and the district board of a district in Schedule B to the Metropolis Management Act, 1855, as amended by the Metropolis Management Amendment Act, 1885, and the Metropolis Management (Battersea and Westminster) Act, 1887;
- (*c*) an urban or rural sanitary authority in England within the meaning of the Public Health Acts; and
- (*d*) the port sanitary authority of any port sanitary district in England.

18 & 19 Vict. c. 120. 48 & 49 Vict. c. 33. 50 & 51 Vict. c. 17.

The expression "London district" means the City of London or the parish or district mentioned in Schedule A. or Schedule B. of the Metropolis Management Act, 1855, for which a local authority is elected:

The expression "urban or rural district" means the district for which any such urban or rural sanitary authority is elected:

The expression "port sanitary district" means the port sanitary district of London and any port or part of a port for which a port sanitary authority has been constituted under the Public Health Acts, and any such port sanitary district shall form no part, for the purposes of this Act, of any urban or rural district:

The expression "occupier" includes a person having the charge, management, or control of a building, or of the part of a building in which the patient is, and in the case of a house the whole of which is let out in separate tenements, or in the case of a lodging-house the whole of which is let to lodgers, the person receiving the rent payable by the tenants or lodgers either as his own account or as the agent of another person, and in the case of a ship, vessel, or boat, the master or other person in charge thereof.

Application of Act to Scotland.

17. In the application of this Act to Scotland—

The expression "Local Government Board" shall mean Board of Supervision:

The expression "Summary Jurisdiction Acts" shall mean the Summary Jurisdiction (Scotland) Acts, 1864 and 1881, and any Act amending the same:

The expression "local authority" shall mean the local authority as defined by the Public Health (Scotland) Act, 1867, and any Act amending the same:

The expression "England" in section five shall mean Scotland:

The powers contained in this Act shall be in addition to and not in lieu of any powers existing in any local authority by virtue of any general or local Act.

Application of Act to Ireland.

18. This Act shall apply to Ireland, with the following modifications:

(1.) In this Act, unless the context otherwise requires—

The expression "Local Government Board" means the Local Government Board for Ireland:

The expression "local authority" means an urban or rural sanitary authority within the meaning of the Public Health (Ireland) Act, 1878:

41 & 42 Vict. c. 52.

The word "district" means urban sanitary district or rural sanitary district, as the case may be, within the meaning of the said Act:

The expression "clerk of the local authority" includes, in the case of an urban sanitary authority, town clerk and secretary:

(2.) References to a place of abode in England shall be construed to refer to a place of abode in Ireland.

(3.) Offences under this Act may be prosecuted, and fines under this Act may be recovered, in manner directed by the Summary Jurisdiction Acts, before a court of summary jurisdiction constituted in the manner mentioned in the two hundred and forty-ninth section of the Public Health (Ireland) Act, 1878.

41 & 42 Vict. c. 52.

* * *

CHAPTER 73.

An Act to amend the Law relating to the use of Flags in the British Merchant Service. [30th August 1889.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Explanation of law as to national colours for ships.

1. The red ensign usually worn by merchant ships, without any defacement or modification whatsoever, is hereby declared to be the proper national colours for all ships and boats belonging to any subject of Her Majesty, except in the case of Her Majesty's ships or boats, or in the case of any other ship or boat for the time being allowed to wear any other national colours in pursuance of a warrant from Her Majesty or from the Admiralty.

Penalty on ship not showing colours.

2.—(1.) A ship belonging to any subject of Her Majesty shall, on a signal being made to her by one of Her Majesty's ships, and on entering or leaving any foreign port, and if of fifty tons gross tonnage or upwards shall also on entering or leaving any British port, hoist the proper national colours.

(2.) If default is made on board any such ship in complying with the requirements of this section, the master of the ship shall incur a penalty not exceeding one hundred pounds.

Provided that this section shall not apply to any sea fishing boat duly registered, lettered, and marked as required by the Acts relating to the sea fisheries.

Amendment of s. 105 of the Merchant Shipping Act, 1854.

3.—(1.) Any penalty incurred under section one hundred and five of the Merchant Shipping Act, 1854, in respect of the improper hoisting of colours or of a pendant on board any ship or boat belonging to any subject of Her Majesty, with the costs of recovering the penalty, may be recovered in Her Majesty's High Court of Justice in England or Ireland, or in the Court of Session in Scotland, or in any Vice-Admiralty Court within Her Majesty's dominions.

(2.) Any offence mentioned in that section may also be prosecuted, and the penalty for it recovered, in the same manner as if the offence were an offence declared by the Merchant Shipping Act, 1854, to be punishable by a penalty not exceeding one hundred pounds.

Provided as follows:

(*a.*) Where any such offence is prosecuted as last aforesaid the Court imposing the penalty shall not impose a higher penalty than one hundred pounds; and

(*b.*) Nothing in this section shall authorise the imposition of more than one penalty in respect of the same offence.

Definition of Her Majesty's ships.

4. The expression "one of Her Majesty's ships" includes any vessel being under the command of an officer of Her Majesty's Navy on full pay.

Saving for Admiralty.

5. Nothing in this Act shall affect any power of the Admiralty in respect of the red ensign usually worn by merchant ships.

6. This Act may be cited as the Merchant Shipping (Colours) Act, 1889, and shall be construed as one with the Merchant Shipping Acts, 1854 to 1887, and those Acts and this Act may be cited together as the Merchant Shipping Acts, 1854 to 1889.

Title and construction of Act.

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CHAPTER 74.

An Act to enable the Inspectors of Irish Fisheries to prohibit Steam Trawling within a certain distance of the Coast of Ireland. [30th August 1889.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited for all purposes as the Steam Trawling (Ireland) Act, 1889.

Short title.

2. This Act shall not extend to England or Scotland.

Extent of Act.

3.—(1.) The Inspectors of Irish Fisheries may from time to time make, alter, and revoke byelaws in the manner and under the regulations in the Fisheries Act, 1842, mentioned, prohibiting the use in or from any steamer or steamship, or vessel propelled by steam, of the method of fishing known as beam trawling or other trawling within three miles of low water mark of any part of the coast of Ireland, or within the waters of any other defined areas specified in any such byelaw, and subject to any conditions or regulations contained in such byelaws.

Prohibition of steam trawling within certain limits.

5 & 6 Vict. c. 106.

(2.) Each and every person who uses any trawl net, or any method of fishing in contravention of any byelaw of the Inspectors of Irish Fisheries made in pursuance of this section, shall be liable on conviction to a fine not exceeding five pounds for the first offence, and not exceeding twenty pounds for the second or any subsequent offence, and every net used or attempted to be used in contravention of any such byelaw, and every rope, warp, tackle, beam, pole, iron, and other matter or thing fastened to or used with any such net, shall be forfeited, and may be seized by any person empowered to enforce the provisions of the Fisheries (Ireland) Acts, and shall when seized be dealt with in the manner prescribed by section one hundred and three of the Fisheries Act, 1842; and for the purpose of such seizure all persons empowered by section eighty-six of the said Act to go on board any vessel employed in fishing are hereby empowered to go on board any steamer or steamship or vessel propelled by steam employed in fishing.

5 & 6 Vict. c. 106.

4. It shall not be lawful for any person to land or sell in Ireland any fish caught in contravention of any byelaw of the Inspectors of Irish Fisheries made in pursuance of this Act, and each and every person who lands or sells any such fish shall be liable on conviction to a fine not exceeding five pounds for the first offence,

Fish illegally caught not to be landed or sold.

and not exceeding twenty pounds for the second or any subsequent offence.

Recovery of fines.

5. All fines under this Act may be recovered in a summary manner.

Interpretation clause. 5 & 6 Vict. c. 106.

6. In this Act,—

"Fisheries Act, 1842," means the Act of the session of the fifth and sixth years of the reign of Her present Majesty, chapter one hundred and six, intituled "An Act to regulate the Irish fisheries."

"Fisheries (Ireland) Acts" means the said Act and all Acts amending the same.

CHAPTER 75.

An Act to amend the Law in regard to Annual Parliamentary Grants in the Counties of Caithness and Sutherland. [30th August 1889.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Conditions of parliamentary grant applicable to counties of Caithness and Sutherland.

1. With respect to the conditions to be fulfilled by schools in order to obtain annual parliamentary grants, the provisions which apply to schools in parishes within the counties of Inverness, Argyll, Ross, and Orkney and Shetland, are hereby declared to apply and to have been applicable to schools in parishes within the counties of Caithness and Sutherland as and from the thirtieth day of July, one thousand eight hundred and eighty-six, being the date of the Minute of the Committee of Council on Education in Scotland amending the conditions of the Scotch Education Code applicable to schools in parishes within the last-mentioned counties.

Short title.

2. This Act may be cited as the Parliamentary Grant (Caithness and Sutherland) Act, 1889.

CHAPTER 76.

An Act to facilitate the Provision of Technical Instruction. [30th August 1889.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Power for local authority to supply or aid

1.—(1.) A local authority may from time to time out of the local rate supply or aid the supply of technical or manual instructhe supply of technical instruction.

tion, to such extent and on such terms as the authority think expedient, subject to the following restrictions, namely:—

(*a.*) The local authority shall not out of the local rate supply or aid the supply of technical or manual instruction to scholars receiving instruction at an elementary school in the obligatory or standard subjects prescribed by the minutes of the Education Department for the time being in force;

(*b.*) It shall not be required, as a condition of any scholar being admitted into or continuing in any school aided out of the local rate, and receiving technical or manual instruction under this Act that he shall attend at or abstain from attending any Sunday school or any place of religious worship, or that he shall attend any religious observance or any instruction in religious subjects in the school or elsewhere: Provided that in any school, the erection of which has been aided under this Act, it shall not be required, as a condition of any scholar being admitted into or continuing in such school, that he shall attend at or abstain from attending any Sunday school or any place of religious worship, or that he shall attend any religious observance or any instruction in religious subjects in the school or elsewhere;

(*c.*) No religious catechism or religious formulary, which is distinctive of any particular denomination, shall be taught at any school aided out of the local rate, to a scholar attending only for the purposes of technical or manual instruction under this Act, and the times for prayer or religious worship, or for any lesson or series of lessons on a religious subject, shall be conveniently arranged for the purpose of allowing the withdrawal of such scholar therefrom;

(*d.*) A local authority may, on the request of the school board for its district or any part of its district, or of any other managers of a school or institution within its district for the time being in receipt of aid from the Department of Science and Art, make, out of any local rate raised in pursuance of this Act, to such extent as may be reasonably sufficient, having regard to the requirements of the district, but subject to the conditions and restrictions contained in this section, provision in aid of the technical and manual instruction for the time being supplied in schools or institutions within its district, and shall distribute the provision so made in proportion to the nature and amount of efficient technical or manual instruction supplied by those schools or institutions respectively;

(*e.*) Where such other managers of a school or institution receive aid from a local authority in pursuance of this section, the local authority shall, for the purposes of this Act, be represented on the governing body of the school or institution in such proportion as will, as nearly as may be, correspond to the proportion which the aid given by the local authority bears to the contribution made from all sources other than the local rate and money provided by Parliament to the cost of the technical or manual instruction given in the school or institution aided;

(*f.*) If any question arises as to the sufficiency of the provision made under this section, or as to the qualification of any school or institution to participate in any such provision, or as to the amount to be allotted to each school or institution, or as to the extent to which, or mode in which, the local authority is to be represented on the governing body of any such school or institution, the question shall be determined by the Department of Science and Art: Provided that no such provision, out of any rate raised in pursuance of this Act, shall be made in aid of technical or manual instruction in any school conducted for private profit; and

(*g.*) The amount of the rate to be raised in any one year by a local authority for the purposes of this Act shall not exceed the sum of one penny in the pound.

(2.) A local authority may for the purposes of this Act appoint a committee consisting either wholly or partly of members of the local authority, and may delegate to any such committee any powers exerciseable by the authority under this Act, except the power of raising a rate or borrowing money.

(3.) Nothing in this Act shall be construed so as to interfere with any existing powers of school boards with respect to the provision of technical and manual instruction.

Provision for entrance examination.

2. It shall be competent for any school board or local authority, should they think fit, to institute an entrance examination for persons desirous of attending technical schools or classes under their management or to which they contribute.

Parliamentary grants in aid of technical instruction.

3. The conditions on which parliamentary grants may be made in aid of technical or manual instruction shall be those contained in the minutes of the Department of Science and Art in force for the time being.

Provisions as to local authorities.

4.—(1.) For the purposes of this Act the expression "local authority" shall mean the council of any county or borough, and any urban sanitary authority within the meaning of the Public Health Acts.

(2.) The local rate for the purposes of this Act shall be—

(*a.*) In the case of a county council, the county fund;

(*b.*) In the case of a borough council, the borough fund or borough rate;

(*c.*) In the case of an urban sanitary authority not being a borough council, the district fund and general district rate, or other fund or rate applicable to the general purposes of the Public Health Acts;

(3.) A county council may charge any expenses incurred by them under this Act on any part of their county for the requirements of which such expenses have been incurred.

(4.) A local authority may borrow for the purposes of this Act—

(*a.*) In the case of a county council, in manner provided by the Local Government Act, 1888:

51 & 52 Vict. c. 41.

(*b.*) In the case of a borough council, as if the purposes of this Act were purposes for which they are authorised by section one hundred and six of the Municipal Corporations Act, 1882, to borrow:

45 & 46 Vict. c. 50.

(*c.*) In the case of an urban sanitary authority not being a borough council, as if the purposes of this Act were purposes for which they are authorised to borrow under the Public Health Acts.

Audit of accounts of aided schools.

5. Where the managers of a school or institution receive aid from a local authority in pursuance of this Act, they shall render to the local authority such accounts relating to the application of the money granted in aid, and those accounts shall be verified and audited in such manner as the local authority may require, and the managers shall be personally liable to refund to the local authority any money granted under this Act, and not shown to be properly applied for the purposes for which it was granted.

Audit of accounts of urban sanitary authority.

The accounts of the receipts and expenditure of an urban sanitary authority under this Act shall be audited in like manner and with the like incidents and consequences, as the accounts of their receipts and expenditure under the Public Health Act, 1875.

Application of the Act to Ireland.

7. In the application of this Act to Ireland—

(1.) The expression "local authority" shall mean the urban or rural sanitary authority, as the case may be, within the meaning of the Public Health (Ireland) Act, 1878.

41 & 42 Vict. c. 52.

(2.) The local rate for the purposes of this Act shall be—

(*a*) in the case of an urban sanitary authority, the rate or fund applicable to the expenses incurred or payable by such authority in the execution of the Public Health (Ireland) Act, 1878, under the provisions of the said Act;

(*b*) in the case of a rural sanitary authority, the rate or rates out of which special expenses incurred in respect of any contributory place or places are payable under the provisions of the said Act.

(3.) A local authority may borrow for the purposes of this Act as if the purposes of this Act were purposes for which the sanitary authority are authorised to borrow under the Public Health (Ireland) Act, 1878.

(4.) Any reference to the Public Health Act, 1875, shall be construed as a reference to the Public Health (Ireland) Act, 1878.

Meaning of technical and manual instruction.

8. In this Act—

The expression "technical instruction" shall mean instruction in the principles of science and art applicable to industries, and in the application of special branches of science and art to specific industries or employments. It shall not include teaching the practice of any trade or industry or employment, but, save as aforesaid, shall include instruction in the branches of science and art with respect to which grants are for the time being made by the Department of Science and Art, and any other form of instruction (including modern languages and commercial and agricultural subjects), which may for the time being be sanctioned by that Department by a minute laid before Parliament and made on the representation of a local authority that such a form of instruction is required by the circumstances of its district.

The expression "manual instruction" shall mean instruction in the use of tools, processes of agriculture, and modelling in clay, wood, or other material.

Extent of Act.

9. This Act shall not extend to Scotland.

Short title.

10. This Act may be cited as the Technical Instruction Act, 1889.

APPENDIX AND INDEX.

CONTENTS.

Page

Table of the Titles of the Local and Private Acts passed during the Session - - - 391

Index to the Public General Statutes - -413

Table showing the Effects of the Year's Legislation on Public General Acts - - - 445

Table of the Local and Private Acts arranged in Classes - - - - - - 450

A
TABLE
OF
The TITLES of the LOCAL and PRIVATE ACTS passed during the Session

52 & 53 VICTORIA.—A.D. 1889.

LOCAL ACTS.

The Titles to which the Letter **P.** *is prefixed are Public Acts of a Local Character.*

ROYAL ASSENT, 11th April 1889.

P. i. AN Act to confirm a Provisional Order under the Drainage and Improvement of Lands (Ireland) Act, 1863, and the Acts amending the same relating to the Tramore River Drainage District, county Cork. (*Drainage and Improvement of Lands Supplemental* (*Ireland*).)

ROYAL ASSENT, 31st May 1889.

ii. An Act to confer further powers on the Mayor Aldermen and Burgesses of the Borough of Hythe with respect to their Water Undertaking. (*Hythe Corporation.*)

iii. An Act to amend the Sheffield Corporation Act 1883 and for other purposes. (*Sheffield Corporation.*)

iv. An Act to empower the Caledonian Railway Company to subscribe towards and to confer on that Company certain other powers with respect to the undertaking of the Cathcart District Railway Company and for other purposes. (*Cathcart District Railway.*)

v. An Act for the Abandonment of the Ballina and Killala Railway and Harbour and for other purposes. (*Ballina and Killala Railway and Harbour* (*Abandonment*).)

P. vi. An Act to confirm certain Provisional Orders of the Local Government Board for Ireland relating to Kilrush and Cappoquin. (*Local Government Board (Ireland) Provisional Orders Confirmation (Kilrush and Cappoquin).*)

vii. An Act to empower the London Hydraulic Power Company to raise additional capital and for other purposes. (*London Hydraulic Power.*)

viii. An Act to revive the powers and to extend the period for the compulsory Purchase of Lands and to extend the period for the completion of the New Dock and Works authorised by the Workington Dock and Harbour Act 1882. (*Workington Dock and Harbour (Extension of Time).*)

ix. An Act for transferring to the Wood Green Local Board portions of certain funds derived from the sale of Waste Lands in the Parish of Tottenham in the County of Middlesex and for other purposes. (*Wood Green Local Board.*)

x. An Act for the granting of further powers to the Bristol Waterworks Company; and for other purposes. (*Bristol Waterworks.*)

xi. An Act to enable the Edinburgh and District Water Trustees to borrow additional sums of money; and for other purposes. (*Edinburgh and District Waterworks.*)

xii. An Act for enabling the Caledonian Railway Company to make and maintain certain Railways and other works, and take lands, in the Counties of Stirling, Midlothian, Lanark and Ayr; to acquire the Undertakings of the Glasgow Central and Moffat Railway Companies, and to raise additional money; for extending the time for completing certain Railways and other works in the Counties of Lanark, Renfrew and Forfar for confirming certain agreements and authorising other agreements; for releasing the sums deposited with reference to the Port Carlisle Branch of the Solway Junction Railway Company, and to the Undertakings of the Annan Waterfoot Dock and Railway Company, and the Glasgow Central Railway Company; for dissolving the two Companies last named and the Moffat Railway Company; and for other purposes. (*Caledonian Railway.*)

xiii. An Act for incorporating and conferring powers on the Faversham Gas Company. (*Faversham Gas.*)

xiv. An Act for the granting further powers to the Yeadon Waterworks Company and for other purposes. (*Yeadon Waterworks.*)

P. xv. An Act to confirm certain Provisional Orders of the Local Government Board relating to the City of Oxford and to the Counties of Oxford and Berks. (*Local Government Board's Provisional Orders Confirmation.*)

P. xvi. An Act to confirm certain Provisional Orders made by the Education Department under the Elementary Education Act, 1870, to enable the School Boards for Acton, Chiswick, and Liverpool to put in force the Lands Clauses Consolidation Act, 1845, and the Acts amending the same. (*Education Department Provisional Orders Confirmation (Acton, &c.).*)

xvii. An Act to repeal and re-enact with amendments the Sun Life Assurance Society's Acts 1813 and 1837; and to make further provisions in relation to the Laws and Regulations and to the Capital of the Society; and for other purposes. (*Sun Life Assurance.*)

xviii. An Act for incorporating a Company with power to construct a Marine Lake at Weston-super-Mare in the County of Somerset and for other purposes. (*Weston-super-Mare Marine Lake.*)

xix. An Act for dissolving the Kettering Waterworks Company Limited and re-incorporating the Members thereof with others and for enabling them to construct Waterworks and supply Water and for other purposes. (*Kettering Waterworks.*)

xx. An Act to confer further powers on the Metropolitan District Railway Company and for other purposes. (*Metropolitan District Railway.*)

xxi. An Act to empower the Commissioners of the Deanhead Reservoir to execute Works and supply Water in bulk and for other purposes. (*Deanhead Commissioners.*)

ROYAL ASSENT, 24th June 1889.

P. xxii. An Act to confirm a Provisional Order of the Local Government Board relating to the Borough of Wenlock. (*Local Government Board's Provisional Order Confirmation* (*No.* 4).)

P. xxiii. An Act to exclude unauthorised Persons from certain Lands to be used for the purposes of the Royal Gunpowder Factory at Waltham Abbey, in the parish of Waltham Holy Cross, in the county of Essex, to regulate the use of a certain Footpath thereon, and for other purposes. (*Waltham Abbey Gunpowder Factory.*)

P. xxiv. An Act to confirm certain Provisional Orders of the Local Government Board relating to the Boroughs of Accrington and Sunderland, the Local Government Districts of Altrincham, Brentford, Haworth, Heston and Isleworth, Swindon New Town, and Walton on the Hill, and the Rural Sanitary Districts of the Belper, Chorley, and King's Norton Unions. (*Local Government Board's Provisional Orders Confirmation* (*No.* 5).)

xxv. An Act for making and maintaining a Harbour at Thurso, in the County of Caithness; and for other purposes. (*Thurso River Harbour.*)

xxvi. An Act for conferring further powers upon the Morley Gas Company. (*Morley Gas.*)

xxvii. An Act to authorise the London Chatham and Dover Railway Company to abandon the authorised Maidstone and Faversham Railway to acquire additional lands in the County of Kent and in the City of London and for other purposes. (*London Chatham and Dover Railway* (*Further Powers*).)

xxviii. An Act for incorporating and conferring powers on the Great Wigston Gas Light and Coke Company Limited. (*Great Wigston Gas.*)

xxix. An Act to extend the time for the purchase of land for and completion of the Brighton Rottingdean and Newhaven Direct Railway and for other purposes. (*Brighton Rottingdean and Newhaven Direct Railway.*)

xxx. An Act to authorise the Redemption of the existing Preference Shares of the West Somerset Railway Company and to enable that Company to raise additional Capital and for other purposes. (*West Somerset Railway.*)

xxxi. An Act for amending the Memorandum of Association of the Tuscan Gas Company (Limited). (*Tuscan Gas.*)

xxxii. An Act for authorising the Undertakers of the Navigation of the Rivers of Aire and Calder, in the West Riding of the County of York, to construct certain Works and acquire Lands in the County of York, in connexion with their undertaking; for abandoning certain Railways and stopping up a portion of St. John Street, in Goole; for confirming certain agreements; for amending and enlarging the Acts relating to the Undertakers and for conferring further powers upon them; and for other purposes. (*Aire and Calder Navigation.*)

xxxiii. An Act for amalgamating the Llanelly Railway and Dock Company with the Great Western Railway Company. (*Great Western Railway and Llanelly Railway and Dock Companies Amalgamation.*)

xxxiv. An Act to extend the borough of Grimsby; and for other purposes. (*Grimsby Extension and Improvement.*)

xxxv. An Act to amend, vary, and extend the powers of the Northern Assurance Company. (*Northern Assurance.*)

xxxvi. An Act for the granting of further powers to the Newcastle and Gateshead Water Company; and for other purposes. (*Newcastle and Gateshead Waterworks.*)

xxxvii. An Act to vest the Cork Corn Market and the control and management thereof in the Corporation of the city of Cork to provide for the use of the market buildings as municipal offices and for other purposes. (*Cork Corn Market.*)

xxxviii. An Act for amalgamating the Cornwall Railway Company with the Great Western Railway Company. (*Great Western and Cornwall Railway Companies Amalgamation.*)

xxxix. An Act to confer Additional Powers upon the Midland Railway Company for the construction of works and the acquisition of lands for raising further capital for vesting in that Company and the Great Northern Railway Company certain powers and a portion of the Undertaking of the Eastern and Midlands Railway Company and for other purposes. (*Midland Railway.*)

xl. An Act for enabling the Mayor Aldermen and Citizens of the City of Manchester in the County of Lancaster to execute works and acquire additional lands for the purposes of their

Waterworks to amend and extend the provisions of the Acts relating to such Waterworks and for other purposes. (*Manchester Corporation.*)

xli. An Act to empower the Corporation of Coventry to make additional Waterworks and for other purposes. (*Coventry Water.*)

xlii. An Act to enable the Corporation of the City of Belfast to consolidate their Debts and create new Stock. (*Belfast Corporation.*)

P. xliii. An Act to confirm certain Provisional Orders made by the Board of Trade under the General Pier and Harbour Act, 1861, relating to Boscombe, Clacton-on-Sea, Keppel, Port Ness, Woodda, and Wexford. (*Pier and Harbour Orders Confirmation* (*No.* 1).)

P. xliv. An Act to confirm a Provisional Order for the Regulation of certain lands forming part of Amberswood Common, situate in the township of Ince-in-Makerfield, in the parish of Wigan, in the county of Lancaster, in pursuance of a report from the Land Commissioners for England. (*Commons Regulation* (*Amberswood*) *Provisional Order Confirmation.*)

P. xlv. An Act to confirm a Provisional Order made by one of Her Majesty's Principal Secretaries of State under the Metropolitan Police Act, 1886, relating to lands in the Parishes of St. Giles, Camberwell, St. Marylebone, and St. John, Wapping. (*Metropolitan Police Provisional Order Confirmation.*)

Royal Assent, 5th July 1889.

P. xlvi. An Act to confirm certain Provisional Orders of the Local Government Board relating to the Boroughs of Calne and Chippenham. (*Local Government Board's Provisional Orders Confirmation* (*No.* 6).)

P. xlvii. An Act to confirm a Provisional Order under the Land Drainage Act, 1861, relating to Goole Fields Improvements, situate in the Township of Goole, in the Parish of Snaith, in the county of York. (*Land Drainage Supplemental.*)

P. xlviii. An Act to confirm certain Provisional Orders made by the Board of Trade under the General Pier and Harbour Act, 1861, relating to Cork, Devonport, Dover, Milford-on-Sea, and Worthing. (*Pier and Harbour Orders Confirmation* (*No.* 2).)

P. xlix. An Act to confirm a Provisional Order of the Local Government Board for Ireland relating to Youghal. (*Local Government Board* (*Ireland*) *Provisional Order Confirmation* (*Youghal*).)

l. An Act to enable the Windermere District Gas and Water Company to raise additional capital to construct new Waterworks and for other purposes. (*Windermere District Gas and Water.*)

li. An Act for amending the Memorandum and Articles of Association of the Central Argentine Railway Company Limited; and for confirming an Agreement between the said

Company and the Buenos Ayres Northern Railway Company Limited; and for other purposes. (*Central Argentine Railway Company, Limited.*)

lii. An Act to empower the Local Board for the district of Padiham and Hapton in the county of Lancaster to construct and maintain additional waterworks and for other purposes. (*Padiham Local Board.*)

liii. An Act to confer further powers upon the Metropolitan Railway Company with reference to their Aylesbury and Rickmansworth Railway and their surplus lands; and for other purposes. (*Metropolitan Railway.*)

liv. An Act to amend the Cleveland Waterworks Acts and for other purposes. (*Cleveland Waterworks.*)

lv. An Act to extend the Boundaries of the Borough of Burnley to confer further Powers upon the Corporation of Burnley with respect to their Gas Undertaking and for other purposes. (*Burnley Corporation.*)

P. lvi. An Act to confirm certain Provisional Orders made by the Board of Trade under the General Pier and Harbour Act, 1861, relating to Auchmithie, Balintore, Littlestone, Mostyn, and Sharpness. (*Pier and Harbour Orders Confirmation (No.* 3).)

lvii. An Act to extend the time for the construction of certain waterworks authorised by the Heywood Waterworks Act 1877 and to make better provision for the health local government and improvement of the borough of Heywood and for other purposes. (*Heywood Corporation.*)

lviii. An Act for incorporating the Stapleford and Sandiacre Water Company and empowering them to construct Waterworks and supply Water and for other purposes. (*Stapleford and Sandiacre Water.*)

lix. An Act to increase the number of the members of the Council of the Borough of Saint Helens in the County of Lancaster to alter the boundaries of certain of the existing wards of the borough and to create new wards and for other purposes. (*Saint Helens Corporation.*)

lx. An Act for enabling the North-eastern Railway Company to make new Railways; for amalgamating with their undertaking the undertaking of the Whitby Redcar and Middlesborough Union Railway Company; and for other purposes. (*North-eastern Railway.*)

ROYAL ASSENT, 9th July 1889.

P. lxi. An Act to confirm certain Provisional Orders of the Local Government Board relating to the Borough of King's Lynn, the Borough of Sheffield and the Local Government District of Handsworth, the Local Government Districts of Ealing and Romford, and the Improvement Act Districts of Lytham and Mansfield. (*Local Government Board's Provisional Orders Confirmation (No.* 8).)

P. lxii. An Act to confirm certain Provisional Orders of the Local Government Board relating to the Boroughs of Bradford (Yorks), Leeds, and Plymouth, and the Local Government District of Bromley. (*Local Government Board's Provisional Orders Confirmation* (*No.* 10).)

P. lxiii. An Act to confirm a Provisional Order made by the Education Department under the Elementary Education Act, 1870, to enable the School Board for Leake to put in force the Lands Clauses Consolidation Act, 1845, and the Acts amending the same. (*Education Department Provisional Order Confirmation* (*Leake*).)

P. lxiv. An Act to confirm certain Provisional Orders made by the Board of Trade under the Gas and Water Works Facilities Act, 1870, relating to Buckley Gas, Market Rasen Gas, Melton Mowbray Gas, Romford Gas, and Warminster Gas. (*Gas Orders Confirmation.*)

P. lxv. An Act to confirm certain Provisional Orders made by the Board of Trade under the Gas and Water Works Facilities Act, 1870, relating to Brightlingsea Water, Corsham Water, Faversham Water, Harpenden Water, and Llandrindod Wells Water. (*Water Orders Confirmation.*)

lxvi. An Act to provide for further Bridge accommodation over the River Cam and approaches thereto and for other purposes. (*River Cam Bridges.*)

lxvii. An Act to extend the time for the completion of the authorised works for enlarging and improving the Port and Harbour of Neath and for other purposes. (*Neath Harbour.*)

lxviii. An Act to empower the Corporation of Wakefield to make additional Waterworks and for other purposes. (*Wakefield Corporation.*)

lxix. An Act for conferring further powers on the Cork and Macroom Direct Railway Company. (*Cork and Macroom Direct Railway.*)

lxx. An Act to regulate the capital of the Southport and Cheshire Lines Extension Railway Company, and to confirm agreements between the Company and other railway companies; and for other purposes. (*Southport and Cheshire Lines Extension Railway.*)

lxxi. An Act to authorise the Cambrian Railways Company to provide or build work let and use Steam Vessels in connexion with their system of Railways. (*Cambrian Railways* (*Steamboats*).)

lxxii. An Act for conferring further powers on the Company of Proprietors of the Plymouth Dock Waterworks for changing the name of the Company and for other purposes. (*Devonport Waterworks.*)

lxxiii. An Act for the abandonment of the railway authorised by the Church Fenton Cawood and Wistow Railway Act 1882. (*Selby and Mid-Yorkshire Union Railway* (*Wistow to Drax*) *Abandonment.*)

lxxiv. An Act for conferring further powers on the Lancashire and Yorkshire Railway Company and for other purposes. (*Lancashire and Yorkshire Railway.*)

lxxv. An Act to amend the Liverpool Corporation Loans Act, 1880; to confer further powers on the Corporation of Liverpool with respect to Markets and Public Libraries within the city; to make further Police and Building Regulations; and for other purposes relating to the Local Government of the city of Liverpool. (*Liverpool Corporation.*)

lxxvi. An Act to extend the time for completing the main line of the Stratford-upon-Avon Towcester and Midland Junction Railway; to abandon certain branch railways; and for other purposes. (*Stratford-upon-Avon, Towcester, and Midland Junction Railway.*)

Royal Assent, 26th July 1889.

lxxvii. An Act for conferring further powers on the Eastbourne Waterworks Company. (*Eastbourne Waterworks.*)

lxxviii. An Act to enable the Rock Life Assurance Company to invest a further part of their Assurance Fund in the manner authorised by their Act of 1864. (*Rock Life Assurance.*)

lxxix. An Act to enable the Trustees of the Port and Harbour of Alloa to construct additional works to raise further money and for other purposes. (*Alloa Harbour.*)

lxxx. An Act to confer further powers upon the King's Lynn Docks and Railway Company and for other purposes. (*King's Lynn Docks and Railway* (*Further Powers*).)

lxxxi. An Act for the Abandonment of the Oswestry and Llangynog Railway. (*Oswestry and Llangynog Railway* (*Abandonment*).)

lxxxii. An Act to extend the time for the completion of the City of Dublin Junction Railways authorised by the Dublin Wicklow and Wexford Railway (City of Dublin Junction Railways) Act 1884 and for other purposes. (*Dublin, Wicklow, and Wexford Railway* (*City of Dublin Junction Railways*).)

lxxxiii. An Act to enable the Mayor Aldermen and Burgesses of the Borough of Preston to borrow additional Moneys for the purposes of the Ribble Navigation and Preston Dock Undertaking and for other purposes. (*Ribble Navigation.*)

lxxxiv. An Act for conferring further Powers upon the Cheshire Lines Committee and upon the three Companies represented upon that Committee. (*Cheshire Lines.*)

lxxxv. An Act to authorise the Manchester Sheffield and Lincolnshire Railway Company to run Steam and other Vessels between Great Grimsby and certain Foreign Ports. (*Manchester, Sheffield, and Lincolnshire Railway* (*Steamboats*).)

lxxxvi. An Act to confer further Powers on the Barry Dock and Railways Company. (*Barry Dock and Railways.*)

lxxxvii. An Act for enabling the Trustees of the Harbour of Dundee to transfer to their Harbour Undertaking a part of the Tay Ferries debt, and to raise additional money; and for other purposes. (*Dundee Harbour and Tay Ferries.*)

lxxxviii. An Act to confer further powers upon the Folkestone Sandgate and Hythe Tramways Company and for other purposes. (*Folkestone Sandgate and Hythe Tramways.*)

lxxxix. An Act for conferring further powers on the Glasgow and South-western Railway Company for the construction of works the acquisition of lands and the raising of money; for abandoning certain railways; and for other purposes. (*Glasgow and South-western Railway.*)

xc. An Act to authorise the construction by the North British Railway Company of certain Railways and Works; the maintenance of other Railways; the purchase of additional Lands; and for other purposes. (*North British Railway.*)

xci. An Act to revive the powers and extend the time for the compulsory purchase of lands for, and to extend the time for the construction of certain authorised railways, to change the name of the St. Helens and Wigan Junction Railway Company, to amend the provisions of the Company's Acts, and to confer further powers upon the Company and others and for other purposes. (*St. Helen's and Wigan Junction Railway.*)

xcii. An Act to extend the Borough of Stockton otherwise called Stockton-on-Tees and for other purposes. (*Stockton-on-Tees Extension and Improvement.*)

xciii. An Act to confer further powers upon the Liverpool and Birkenhead Subway Company; and for other purposes. (*Liverpool and Birkenhead Subway.*)

xciv. An Act to confer further powers upon the Great Northern Railway Company with respect to their own undertaking and undertakings in which they are jointly interested and for other purposes. (*Great Northern Railway.*)

xcv. An Act to authorise the Corporation of the borough of Waterford to consolidate and convert their debt by the creation and issue of debenture stock. (*Waterford Corporation (Debenture Stock).*)

xcvi. An Act to authorise the Mayor Aldermen and Burgesses of the Borough of West Bromwich to create and issue Corporation Stock and for other purposes. (*West Bromwich Corporation (Consolidation of Loans).*)

xcvii. An Act for amalgamating the Ballymena and Larne Railway Company with the Belfast and Northern Counties Railway Company. (*Belfast and Northern Counties and Ballymena and Larne Railway Companies Amalgamation.*)

xcviii. An Act for conferring further Powers upon the London and North-Western Railway Company in relation to their own Undertaking and other Undertakings in which they are interested jointly with other Companies and also for conferring powers upon the North London Railway Company and other Railway Companies in relation to such other Undertakings for vesting portions of the North Union Railway in the Company and the Lancashire and Yorkshire Railway Company respectively and for other purposes. (*London and North-Western Railway.*)

xcix. An Act to authorise the Dock Company at Kingston-upon-Hull to make a Deep-water Entrance to their Albert Dock, and other Works; and for other Purposes. (*Hull Docks.*)

c. An Act to amend and extend some of the powers of the Scottish Equitable Life Assurance Society and for other purposes relating thereto. (*Scottish Equitable Life Assurance.*)

ci. An Act for conferring further powers on the Tees Conservancy Commissioners with respect to the sale or leasing of reclaimed lands and minerals for amending the Tees Conservancy Acts and for other purposes. (*Tees Conservancy.*)

cii. An Act to enable the Didcot Newbury and Southampton Railway Company to abandon certain portions of their authorised Railways and for other purposes. (*Didcot, Newbury, and Southampton Railway.*)

ciii. An Act to authorise the Manchester Sheffield and Lincolnshire Railway Company to make new Railways to confer further powers on the Company in connexion with their Undertaking; and for other purposes. (*Manchester, Sheffield, and Lincolnshire Railway.*)

civ. An Act to extend the time for the completion of the Railways authorised by the Dundee Suburban Railway Act 1884 and for other purposes. (*Dundee Suburban Railway.*)

cv. An Act for conferring further powers on the Eastbourne Seaford and Newhaven Railway Company and for other purposes. (*Eastbourne, Seaford, and Newhaven Railway.*)

cvi. An Act to provide for the Purification of the Water of Leith, and the tributaries thereof, in the county of Midlothian, and the construction of works in connexion therewith; and for the constitution and incorporation of Commissioners; and for other purposes. (*Water of Leith Purification and Sewerage.*)

P. cvii. An Act to confirm certain Provisional Orders of the Local Government Board relating to the Boroughs of Aberavon and Kingston-upon-Hull, the Local Government Districts of Bingley and Cuckfield, and the Faversham Joint Hospital District. (*Local Government Board's Provisional Orders Confirmation* (*No.* 7).)

P. cviii. An Act to confirm a Provisional Order under the Public Health (Scotland) Act, 1867, relating to Leven Water. (*Leven Water Supply Confirmation.*)

P. cix. An Act to confirm a Provisional Order under the Public Health (Scotland) Act, 1867, and Acts amending the same, relating to Motherwell Water. (*Motherwell Water Supply Confirmation.*)

P. cx. An Act to confirm certain Provisional Orders made by the Board of Trade under the Tramways Act, 1870, relating to Lancaster and District Tramways, Lincolnshire Tramways, and Stockport and Hazel Grove Tramways. (*Tramways Orders Confirmation* (*No.* 1).)

P. cxi. An Act to confirm certain Provisional Orders made by the Board of Trade under the Tramways Act, 1870, relating to Gosport, Alverstoke, and Bury Cross Tramways, Newport and Parkhurst Tramways, and Oldham, Ashton-under-Lyne, and Hyde District Tramways. (*Tramways Orders Confirmation* (*No.* 2).)

P. cxii. An Act to confirm certain Provisional Orders of the Local Government Board relating to the Boroughs of Blandford Forum, Lyme Regis, Lymington, and Morpeth. (*Local Government Board's Provisional Orders Confirmation* (*No.* 9).)

P. cxiii. An Act to confirm certain Provisional Orders of the Local Government Board relating to the Boroughs of Halifax, Nottingham, and Southampton, the Improvement Act District of Newton-in-Mackerfield, and the Local Government District of Ince-in-Makerfield. (*Local Government Board's Provisional Orders Confirmation* (*No.* 11).)

P. cxiv. An Act to confirm certain Provisional Orders of the Local Government Board relating to the Boroughs of Bangor, Buckingham, Carnarvon, and Ramsgate, the Port of Harwich, and the Rural Sanitary District of the Houghton-le-Spring Union. (*Local Government Board's Provisional Orders Confirmation* (*No.* 12).)

P. cxv. An Act to confirm certain Provisional Orders of the Local Government Board relating to the Boroughs of Blackburn, Dover, and West Ham, and the Local Government Districts of Denton and Haughton, Dukinfield, and Tipton. (*Local Government Board's Provisional Orders Confirmation* (*No.* 13).)

P. cxvi. An Act to confirm certain Provisional Orders of the Local Government Board relating to the Boroughs of Banbury and Cambridge. (*Local Government Board's Provisional Orders Confirmation* (*No.* 15).)

P. cxvii. An Act to confirm certain Provisional Orders of the Local Government Board relating to the City of Manchester and the Boroughs of Middleton and Stafford. (*Local Government Board's Provisional Orders Confirmation* (*No.* 16).)

P. cxviii. An Act to confirm a Provisional Order of the Local Government Board under the Provisions of the Poor Law Amendment Act, 1867, as amended by the Poor Law Amendment Act, 1868, and extended by the Poor Law Act, 1879, relating to the Parish of Saint James, Westminster. (*Local Government Board's Provisional Order Confirmation* (*Poor Law*).)

P. cxix. An Act to confirm certain Provisional Orders made by the Board of Trade under the Gas and Water Works Facilities Act, 1870, relating to St. Ives (Hunts) Gas, Otley Gas, Pocklington Water, and Marlow Water. (*Gas and Water Orders Confirmation.*)

P. **cxx.** An Act for the removal of the disqualification of certain Burgesses of the City of Winchester. (*Winchester Burgesses Disqualification Removal.*)

ROYAL ASSENT, 12th August 1889.

cxxi. An Act for the Abandonment of part of the authorised Railways of the East and West Yorkshire Union Railways Company and for other purposes. (*East and West Yorkshire Union Railways.*)

cxxii. An Act to explain and define the powers of the New Oriental Bank Corporation Limited and for other purposes. (*New Oriental Bank Corporation, Limited.*)

cxxiii. An Act to confer further powers upon the Local Board for the District of Bridlington in relation to the Princes Parade and for other purposes. (*Bridlington Local Board.*)

cxxiv. An Act to authorise the London Tramways Company (Limited) to extend their tramway system to Lower Tooting and Streatham and for other purposes. (*London Tramways Company (Limited) Extensions.*)

cxxv. An Act to authorise the Plymouth Devonport and South Western Junction Railway Company to abandon a certain portion of their undertaking and to confer on them further powers. (*Plymouth Devonport and South Western Junction Railway.*)

cxxvi. An Act for incorporating the Shortlands and Nunhead Railway Company and for authorising the Construction of a Railway in the Counties of Kent and Surrey and for other purposes. (*Shortlands and Nunhead Railway.*)

cxxvii. An Act for providing a scale of Pensions and Gratuities in the Police Force of the City of London and for other purposes. (*City of London Police Superannuation.*)

cxxviii. An Act for incorporating and conferring powers on the Woodhall Spa Gas and Water Company. (*Woodhall Spa (Gas and Water).*)

cxxix. An Act to authorise the Right Honourable the Lord Mayor, Aldermen and Burgesses of Dublin to consolidate their Loans and create Corporation Stock; and for other purposes. (*Dublin Corporation Loans.*)

cxxx. An Act for dissolving the Rastrick Waterworks Company Limited for re-incorporating the Proprietors therein with others and for conferring Powers on the Company so to be incorporated and for other purposes. (*Rastrick Waterworks.*)

cxxxi. An Act for incorporating the South Kent Water Company and empowering them to construct Works and supply Water and for other purposes. (*South Kent Water.*)

cxxxii. An Act for the reduction of the dues payable on coal culm splint coke or cinders imported or brought into the town of Margate and for other purposes. (*Margate Coal Dues.*)

cxxxiii. An Act to authorise the transfer of certain portions of the Undertaking of the Wirral Railway Company to the Manchester Sheffield and Lincolnshire and the Wrexham Mold and Connah's Quay Railway Companies and for other purposes. (*Wirral Railway Transfer.*)

cxxxiv. An Act to incorporate the West Highland Railway Company and to empower them to construct Railways in the counties of Dumbarton Perth Argyll and Inverness and for other purposes. (*West Highland Railway.*)

cxxxv. An Act to authorise Agreements between the Barry Dock and Railways Company Alexandra (Newport and South Wales) Docks and Railway Company Brecon and Merthyr Tydfil Junction Neath and Brecon Pontypridd Caerphilly and Newport Swansea and Mumbles Cambrian Wrexham and Ellesmere Wrexham Mold and Connah's Quay Manchester Sheffield and Lincolnshire Cheshire Lines Committee Wirral Seacombe Hoylake and Deeside Mersey Liverpool Southport and Preston Junction Southport and Cheshire Lines Extension West Lancashire and Blackpool Railway Companies or some of them for the purpose of Through Traffic; to authorise the appointment of a Joint Committee; and for other purposes. (*Welsh Railways Through Traffic.*)

cxxxvi. An Act to authorise the Mayor Aldermen and Burgesses of the Borough of Taunton to consolidate their Loans and create Debenture Stock; and for other purposes. (*Taunton Corporation.*)

cxxxvii. An Act to empower the Mayor Aldermen and Burgesses of the borough of Wisbech to construct a Quay or River Wall at Wisbech and to authorise them to create Debenture Stock and to authorise the Great Eastern Railway Company to construct a Railway at Wisbech and for other purposes. (*Wisbech Corporation.*)

cxxxviii. An Act for incorporating the East Kent District Water Company and empowering them to construct Works and supply Water and for other purposes. (*East Kent District Water.*)

cxxxix. An Act for conferring further powers upon the Great Western Railway Company in connexion with their own and other undertakings and upon them and other Companies in connexion with undertakings in which they are jointly interested for authorising and confirming Agreements with other Railway Companies and for other purposes. (*Great Western Railway.*)

cxl. An Act for the abandonment of parts of the Railways authorised by the Mersey Docks and Harbour Board (Overhead Railways) Acts 1882 and 1887 and to authorise the Mersey Docks and Harbour Board to make and maintain a Railway in substitution therefor to empower the Board to alter the Ferry Landing Stage at Liverpool to amend in various respects the Acts relating to the Board; and for other purposes. (*Mersey Docks and Harbour Board.*)

cxli. An Act to incorporate a Company for the Construction of a Railway between Cowbridge and Aberthaw; and for other purposes. (*Cowbridge and Aberthaw Railway.*)

cxlii. An Act to authorise the Scottish Provincial Assurance Company to transfer their Undertaking to the North British and Mercantile Insurance Company; to provide for the consideration for such transfer; and for other purposes. (*North British and Mercantile Insurance Company's* (*Scottish Provincial Transfer*).)

cxliii. An Act to repeal an Act passed in the year 1807 intituled "An Act to enable the Provident Institution to sue " in the name of their managing director and to inrol Annuities" and an Act passed in the year 1810 amending the said Act and to alter the name of and to confer further powers on the Provident Institution and for other purposes. (*Provident Life Office.*)

cxliv. An Act to make better provision for vesting the Securities and Property of the Imperial Fire Insurance Company in the Trustees of the Company and to amend the Deed of Settlement and Acts of Parliament of the Company and for other purposes. (*Imperial Fire Insurance.*)

cxlv. An Act for consolidating the Preference Stocks of the Rhymney Railway Company; and for other purposes. (*Rhymney Railway* (*Capital*).)

cxlvi. An Act to extend the time for the purchase of land and for the completion of the railways in Liverpool and to abandon the railways in Birkenhead authorised by the Mersey Railway Act 1887 and for other purposes. (*Mersey Railway.*)

cxlvii. An Act to confer further powers on the London County Council as to Streets and Open Spaces and for other purposes. (*Metropolitan Improvements.*)

cxlviii. An Act for empowering the Southwark and Deptford Tramways Company to construct New Tramways and for other purposes. (*Southwark and Deptford Tramways.*)

cxlix. An Act to alter amend and extend the Corporation of London (Tower Bridge) Act 1885 to extend the time limited for the construction of the works by that Act authorised to authorise the alteration of certain streets and for other purposes. (*Corporation of London* (*Tower Bridge*).)

cl. An Act for extending and amending the Acts relating to the Liverpool and London and Globe Insurance Company, and for other purposes. (*Liverpool and London and Globe Insurance Company's.*)

cli. An Act to authorise the Shanklin and Chale Railway Company to make a railway from the Newport Junction Railway at Merston to St. Lawrence in the Isle of Wight; and to abandon certain authorised railways; and for other purposes. (*Newport, Godshill, and St. Lawrence Railway.*)

clii. An Act to extend the Borough of Newport in the County of Monmouth and to enable the Mayor Aldermen and Burgesses thereof to execute certain improvements and works and to make further provision for the improvement and good government of the borough and for other purposes. (*Newport (Monmouthshire) Corporation.*)

cliii. An Act for the abandonment of the Burry Port and North Western Junction Railway. (*Burry Port and North-Western Junction Railway (Abandonment).*)

cliv. An Act to confer further powers upon and to amend the Acts relating to the Hull Barnsley and West Riding Junction Railway and Dock Company with respect to the Raising of Money; and for other purposes. (*Hull, Barnsley, and West Riding Junction Railway and Dock.*)

clv. An Act to authorise the Belfast Water Commissioners to construct Works for filtering the supply of Water to the City of Belfast and the Suburban Districts adjacent thereto to confer further powers on the Commissioners and for other purposes. (*Belfast Water.*)

clvi. An Act for the Conservancy and Improvement of the River Dee. (*Dee Conservancy.*)

clvii. An Act for the Improvement of the Town of Newry; and to confer further powers on the Town Commissioners of Newry; and for other purposes. (*Newry Improvement.*)

clviii. An Act for dissolving the Lea Bridge Leyton and Walthamstow Tramways Company Limited and incorporating a new Company and for vesting in such new Company the powers conferred by the Lea Bridge Leyton and Walthamstow Tramways Act 1881 and for conferring upon them further powers for the construction of new Tramways and for other purposes. (*Lea Bridge, Leyton, and Walthamstow Tramways.*)

clix. An Act for conferring on the South-Eastern Railway Company various Powers in connexion with their Undertaking and with those of other Companies, and for other purposes. (*South-Eastern Railway.*)

clx. An Act to empower the West Ham Gas Company to raise additional capital for the purposes of their Undertaking and to make other provisions in respect thereof. (*West Ham Gas.*)

clxi. An Act for Appropriating Preserving and Improving certain Lands within the parishes of Christchurch and Holdenhurst in the County of Southampton for the purposes of Parks or Open Spaces. (*Bournemouth Park Lands.*)

clxii. An Act to confer further powers on the Blackpool Railway Company. (*Blackpool Railway.*)

clxiii. An Act to enable the Midland and South-western Junction Railway Company to abandon a certain railway and for other purposes. (*Midland and South-western Junction Railway.*)

clxiv. An Act to discontinue the division of the parish of Scarborough into townships and to make further and better provision for the improvement health and good government of the borough of Scarborough to authorise the Corporation of the said borough to construct new works and to raise further moneys and for other purposes. (*Scarborough Improvement.*)

clxv. An Act for altering the gauge of the Chesham Boxmoor and Hemel Hempsted Steam Tramways and for changing the name of the Company; and for other purposes. (*Chesham, Boxmoor, and Hemel Hempsted Tramroads.*)

clxvi. An Act for making a tunnel under the River Clyde at Glasgow; and for other purposes. (*Glasgow Harbour Tunnel.*)

clxvii. An Act for vesting Great Torrington Common Castle Hill Common and other lands in the borough of Great Torrington in the county of Devon in a body of Conservators and to settle questions between the commoners of Great Torrington and the owners of the Rolle Estate; and for other purposes. (*Great Torrington Commons.*)

P. clxviii. An Act to confirm a Provisional Order of the Local Government Board for Ireland relating to Tipperary Waterworks. (*Local Government Board (Ireland) Provisional Order Confirmation (Tipperary Waterworks).*)

P. clxix. An Act to confirm a Provisional Order of the Local Government Board for Ireland relating to Killiney and Ballybrack. (*Local Government Board (Ireland) Provisional Order Confirmation (Killiney and Ballybrack).*)

P. clxx. An Act to confirm a Provisional Order of the Local Government Board for Ireland relating to Castleisland Waterworks. (*Local Government Board (Ireland) Provisional Order Confirmation (Castleisland Waterworks).*)

P. clxxi. An Act to confirm certain Provisional Orders of the Local Government Board relating to the Local Government Districts of Barnard Castle and Malton, and to the Counties of York and Durham. (*Local Government Board's Provisional Orders Confirmation (No. 3).*)

P. clxxii. An Act to confirm certain Provisional Orders of the Local Government Board relating to the Boroughs of Faversham, Dunneheved, otherwise Launceston, and Saint Ives (Hunts). (*Local Government Board's Provisional Orders Confirmation (No. 14).*)

P. clxxiii. An Act to confirm a Provisional Order made by the Education Department under the Elementary Education Act, 1870, to enable the School Board for London to put in force the Lands Clauses Consolidation Act, 1845, and the Acts amending the same. (*Education Department Provisional Order Confirmation (London).*)

P. clxxiv. An Act to confirm certain Provisional Orders made by the Board of Trade under the Electric Lighting Acts, 1882 and 1888, relating to Birmingham, Liverpool, and Swansea (*Electric Lighting Orders Confirmation.*)

ROYAL ASSENT, 26th August 1889.

clxxv. An Act to confirm a Provisional Order under the Public Health (Scotland) Act, 1867, and Acts amending the same, relating to Linlithgow Water. (*Linlithgow Water Supply Confirmation.*)

P. **clxxvi.** An Act to confirm a Provisional Order of the Local Government Board for Ireland relating to Listowel Waterworks. (*Local Government Board (Ireland) Provisional Order Confirmation (Listowel Waterworks).*)

P. **clxxvii.** An Act to confirm a Provisional Order of the Local Government Board relating to the Isle of Wight. (*Local Government Board's Provisional Order Confirmation (No. 2).*)

P. **clxxviii.** An Act to confirm certain Provisional Orders made by the Board of Trade under the Electric Lighting Acts, 1882 and 1888, relating to Chelsea, &c., and St. George's, Hanover Square, &c. (*Electric Lighting Orders Confirmation (No. 2).*)

P. **clxxix.** An Act to confirm certain Provisional Orders made by the Board of Trade under the Electric Lighting Acts, 1882 and 1888, relating to various portions of the Parish of Kensington St. Mary Abbot and a portion of the Parish of St. Margaret, Westminster. (*Electric Lighting Orders Confirmation (No. 3).*)

P. **clxxx.** An Act to confirm a Provisional Order made by the Board of Trade under the Electric Lighting Acts, 1882 and 1888, relating to St. Martin-in-the-Fields. (*Electric Lighting Order Confirmation (No. 4).*)

P. **clxxxi.** An Act to confirm certain Provisional Orders made by the Board of Trade under the Electric Lighting Acts, 1882 and 1888, relating to Saint Giles, &c., and Marylebone. (*Electric Lighting Orders Confirmation (No. 5).*)

clxxxii. An Act to authorise the Corporation of Bury to make additional Waterworks, and for other purposes. (*Bury Corporation Waterworks.*)

clxxxiii. An Act to extend the time for completing the Manchester Middleton and District Tramways. (*Manchester, Middleton, and District Tramways.*)

clxxxiv. An Act to make further and better provision for the improvement health and good government of the borough of Cheltenham to provide for the issue of Corporation Stock and for other purposes. (*Cheltenham Improvement.*)

clxxxv. An Act to confer further powers upon the Freshwater Yarmouth and Newport Railway Company and for other purposes. (*Freshwater, Yarmouth, and Newport Railway.*)

clxxxvi. An Act to incorporate the Garw Water Company to enable them to acquire the Water Undertaking of the Garw Water and Light Company Limited in the County of Glamorgan and to construct Waterworks and for other purposes. (*Garw Water.*)

clxxxvii. An Act to authorise the Construction of new Sewers; to make better provision in relation to the Health Local

Government and Improvement of the City of Norwich; and to provide for the creation and issue of Corporation Stock and for other purposes. (*Norwich Corporation.*)

clxxxviii. An Act to incorporate a company for the construction of railways in the Vale of Glamorgan; and for other purposes. (*Vale of Glamorgan Railway.*)

clxxxix. An Act for conferring further powers on the Barry and Cadoxton Gas and Water Company. (*Barry and Cadoxton Gas and Water.*)

cxc. An Act to provide for an improved Water Communication between Sheffield Rotherham Doncaster the South Yorkshire Coalfields and the Sea; and for other purposes. (*Sheffield and South Yorkshire Navigation.*)

cxci. An Act to incorporate the South Staffordshire Tramways Company; and for other purposes. (*South Staffordshire Tramways.*)

cxcii. An Act to authorise the Sutton Harbour Improvement Company to construct a Quay and Roadway and to establish and regulate a Fish-Market in connexion with their existing undertaking at the Harbour of Sutton Pool in the port of Plymouth and county of Devon; to facilitate the acquisition of lands from the Duchy of Cornwall; to revise and modernise the rates tolls and charges authorised to be taken by the Company; to confer upon them additional money powers; and for other purposes. (*Sutton Harbour.*)

cxciii. An Act for amalgamating with the Undertaking of the Taff Vale Railway Company the Undertakings of other companies leased to or worked by them; and for consolidating and re-arranging the Capital of the said Company; and for other purposes. (*Taff Vale Railway (Amalgamations and Capital).*)

cxciv. An Act for making a Railway from the Oystermouth Railway or Tramroad to the Mumbles Head, with a Pier in connexion therewith, and for other purposes. (*Mumbles Railway and Pier.*)

cxcv. An Act to enable the Golden Valley Railway Company to make New Railways and for other purposes. (*Golden Valley Extension Railway.*)

cxcvi. An Act for authorising the Metropolitan Electric Supply Company Limited to erect and maintain Electric Lines and Works and to supply Electrical Energy within the Parish of Saint Martin-in-the-Fields in the County of Middlesex and certain other parts of the Metropolis; and for other purposes. (*Metropolitan Electric Lighting.*)

cxcvii. An Act for making a Railway from Stroud to Painswick to be called "the Painswick Railway" and for other purposes. (*Painswick Railway.*)

cxcviii. An Act to confer further powers on the South Hampshire Railway and Pier Company and for other purposes. (*South Hampshire Railway and Pier.*)

cxcix. An Act to extend the boundaries of the borough of Swansea to extend the time for the construction of certain waterworks to make and maintain a street improvement and to make better provision for the health local government and improvement of the borough and for other purposes. (*Swansea Corporation.*)

cc. An Act to make better provision for the health local government and improvement of the Borough of Wigan and to provide for the creation and issue of Corporation Stock and for other purposes. (*Wigan Corporation.*)

cci. An Act for incorporating the Towcester and Buckingham Railway Company and authorising the construction of various railways and works in the counties of Buckingham and Northampton and for other purposes. (*Towcester and Buckingham Railway.*)

ccii. An Act to empower the West Metropolitan Tramways Company to construct additional Tramways and for other purposes. (*West Metropolitan Tramways.*)

cciii. An Act to authorise the purchase out of funds in Court, and the annexation to the See of Lichfield, of the Advowson of the Rectory of Stoke-upon-Trent, in the County of Stafford, and the better disposal of the Endowments of the Rectory, and other arrangements connected therewith. (*Stoke-upon-Trent Rectory.*)

cciv. An Act for making a Pier and Harbour at Brean Down on the Bristol Channel and a Railway to connect the same with the Great Western Railway; and for other purposes. (*Brean Down Harbour and Railway.*)

ccv. An Act for extending the time for the completion of the works by a Provisional Order made in pursuance of the Drainage and Improvement of Lands Act (Ireland) 1863 and the Acts amending the same and confirmed by the Drainage and Improvement of Lands Supplemental Act (Ireland) 1878 authorised to be executed within the River Suck Drainage District constituted by such Order and for other purposes. (*River Suck Drainage.*)

ccvi. An Act to incorporate the Croydon Tramways Company and for other purposes. (*Croydon Tramways.*)

ccvii. An Act to incorporate the Plymouth Tramways Company and to authorise the construction of certain Tramways in the Borough of Plymouth, in the County of Devon, and for other purposes. (*Plymouth Tramways.*)

ccviii. An Act to extend and vary the Powers of the Belgrano (Buenos Ayres) Gas Company Limited. (*Belgrano (Buenos Ayres) Gas Company Limited.*)

Royal Assent, 30th August 1889.

ccix. An Act to authorise the transfer of the Site of the Coldbath Fields Prison, in the County of Middlesex, to Her Majesty's Postmaster-General, and for other purposes. (*Post Office (Sites).*)

ccx. An Act for making a Pier at Filey in the County of York with a Tramroad in connexion therewith; and for other purposes. (*Filey Pier and Tramroad.*)

ccxi. An Act for incorporating the Terrington and Walpole Tramroad Company and empowering them to construct Tramroads in the County of Norfolk and for other purposes. (*Terrington and Walpole Tramroads.*)

ccxii. An Act for incorporating the Wellingborough and District Tramroads Company and empowering them to construct Tramroads; and for other purposes. (*Wellingborough and District Tramroads.*)

ccxiii. An Act for authorising the Construction of Railways in the East Riding of the County of York to be called the Beverley and East Riding Railway and for other purposes. (*Beverley and East Riding Railway.*)

ccxiv. An Act for empowering the Rossendale Valley Tramways Company to construct new Tramways, and for other purposes. (*Rossendale Valley Tramways (Burnley Extension).*)

PRIVATE ACTS,

PRINTED BY THE QUEEN'S PRINTER,

AND WHEREOF THE PRINTED COPIES MAY BE GIVEN IN EVIDENCE.

1. AN Act to enable Reductions to be made in the Dues payable under certain Mineral Leases of parts of the Estates in the county of Cornwall settled by the late Frances Baroness Basset and John Francis Basset and to authorise the Purchase by the Trustees of the Settlement of Furniture Farming Stock Harbour Plant and Effects of the late Gustavus Lambart Basset; and for other purposes connected with the Settled Estate. (*Basset Estate.*)

2. An Act for sanctioning Arrangements for the Sale to a posed Limited Company of the Businesses and Property of "Henry Crawshay and Sons" and "Henry Crawshay and Company" and other property and for enabling Executors and Trustees interested therein to concur and to accept and hold Debenture Stocks and Shares in the proposed Limited Company; and for other purposes. (*Henry Crawshay's Estate.*)

3. An Act to confer powers on the Trustees of the late John Ross junior Andrew Galbraith and John Thomson respectively in relation to their respective interests in the Lands of Stobcross and other lands and property in the Barony Parish o Glasgow and County of Lanark. (*Stobcross Estate.*)

4. An Act to authorize the sale of the Pictures bequeathed by the Will of the late Edward Adolphus twelfth Duke of Somerset deceased as heirlooms and to declare the trusts of the proceeds of such sale and for other purposes. (*St. Maur Heirlooms* (*Pictures*).)
5. An Act for sanctioning and confirming a Deed of Arrangement ascertaining and determining the Estates Rights and Interests of the several persons interested in the residuary Real and Personal Estate of George Ashburner Esquire deceased and for other purposes. (*Ashburner Estate.*)

PRIVATE ACT,

NOT PRINTED.

AN Act to naturalize Caesar Schlesinger and to grant to and confer upon him all the rights privileges and capacities of a natural born subject of Her Majesty the Queen. (*Schlesinger's Naturalization.*)

INDEX

TO THE

PUBLIC GENERAL STATUTES,

52 & 53 VICTORIA.—A.D. 1889.

NOTE.—The capital letters placed after the chapter have the following signification:—

E.	*that the Act relates to*	England (and Wales, if it so extend).
S.	,, ,,	Scotland exclusively.
I.	,, ,,	Ireland exclusively.
E. & I.	,, ,,	England and Ireland.
E. & S.	,, ,,	England and Scotland.
U.K.	,, ,,	Great Britain and Ireland (and Colonies, if it so extend).
Ind.	,, ,,	India specially.
C.	,, ,,	The Colonies specially, or any of them.

⁂ Several Public Acts of a Local Character which have been placed among the Local Acts are included in this Index. These Acts are distinguished by their Chapters being given in Roman Numerals.

A.

ACCIDENTS, INSURANCE AGAINST, Stamp duty on policies of. *See* REVENUE ACT (c. 42, s. 20).

ACCOUNTANT OF COURT OF SESSION AND ACCOUNTANT IN BANKRUPTCY IN SCOTLAND, Union of Offices of. *See* JUDICIAL FACTORS (SCOTLAND) ACT.

ACCUSED PERSON, Evidence of. *See* PREVENTION OF CRUELTY TO, AND PROTECTION OF, CHILDREN ACT (c. 44, s. 7).

ACTS OF PARLIAMENT. *See* EXPIRING LAWS CONTINUANCE; INTERPRETATION; MASTER AND SERVANT.

ADMINISTRATION OF JUSTICE. *See*—
- ARBITRATION.
- ASSIZES RELIEF.
- CLERKS OF SESSION (SCOTLAND) REGULATION.
- COMMISSIONERS FOR OATHS.
- COUNTY COURT APPEALS (IRELAND).
- INDECENT ADVERTISEMENTS.

ADMINISTRATION OF JUSTICE—*continued.*
  JUDICIAL FACTORS (SCOTLAND).
  OFFICIAL SECRETS.
  PALATINE COURT OF DURHAM.
  PREVENTION OF CRUELTY TO, AND PROTECTION OF, CHILDREN.
  PUBLIC BODIES CORRUPT PRACTICES.
  SMALL DEBT AMENDMENT (SCOTLAND).
  WINDWARD ISLANDS APPEAL COURT.

ADULTERATION. *See* SALE OF HORSEFLESH, &c. REGULATION ACT.

ADVERTISEMENT RATING BILL. *See* ADVERTISING STATIONS (RATING) ACT.

ADVERTISEMENTS. *See* INDECENT ADVERTISEMENTS ACT.

ADVERTISING STATIONS (RATING):
  To amend the Law with respect to rating Places used for Advertisements. Ch. 27. U.K. Page 83.

AGRICULTURAL HOLDINGS (SCOTLAND):
  To amend the Agricultural Holdings (Scotland) Act, 1883. Ch. 20. S. Page 57.

AGRICULTURE. *See* BOARD OF AGRICULTURE ACT.

AMBULANCE STATIONS, Power to Managers of Metropolitan Asylum District to borrow for. *See* POOR LAW ACT (c. 56, s. 7).

APPROPRIATION ACT. *See* CONSOLIDATED FUND.

ARBITRATION:
  For amending and consolidating the Enactments relating to Arbitration. Ch. 49. E. Page 200.

References by Consent out of Court.

§ 1. Submission to be irrevocable, and to have effect as an order of court.
2. Provisions implied in submissions.
3. Reference to official referee.
4. Power to stay proceedings where there is a submission.
5. Power for the court in certain cases to appoint an arbitrator, umpire, or third arbitrator.
6. Power for parties in certain cases to supply vacancy.
7. Powers of arbitrators.
8. Witnesses may be summoned by subpœna.
9–12. Powers as to award.

References under Order of Court

13. Reference for report.
14. Power to refer in certain cases.
15. Powers and remuneration of referees and arbitrators.
16. Court to have powers as in references by consent.
17. Court of Appeal to have powers of court.

General.

18. Power to compel attendance of witness in any part of the United Kingdom, and to order habeas corpus to issue.
19. Statement of case pending arbitration.
20. Costs.
21. Exercise of powers by masters and other officers.
22. Penalty for perjury.
23. Crown to be bound.
24. Application of Act to references under statutory powers.
25. Saving for pending arbitrations.
26. Repeal.
27. Definitions.
28–30. Extent. Commencement. Short title.
SCHEDULES.

Army (Annual) :

To provide, during twelve months, for the Discipline and Regulation of the Army. Ch. 3. U.K. Page 3.

§ 1. Short title.
2. Army Act (44 & 45 Vict. c. 58.) to be in force for specified times.
3. Prices in respect of billeting.

Amendments of Army Act, 1881.

4. Amendment of s. 135 as to classification of prisoners.
5. " s. 91 as to lunatics.
6. " s. 146 as to exemption from service as sheriff, &c.
7. Recreation rooms.

Army and Navy Audit :

To make provision for the Audit of the Manufacturing and Shipbuilding and other like Accounts of the Army and Navy. Ch. 31. U.K. Page 96.

Assizes Relief :

To relieve the Courts of Assize from the Trial of Persons charged with Offences triable at Quarter Sessions. Ch. 12. E. Page 41.

Audit (Army and Navy Accounts) Bill. *See* Army and Navy Audit Act.

Auditor General. *See* Comptroller and Auditor General.

B.

Bankruptcy, Accountant in, in Scotland, and Accountant of Court of Session, Union of Offices of. *See* Judicial Factors (Scotland) Act.

Bankruptcy (Ireland). *See* Preferential Payments in Bankruptcy (Ireland) Act.

Barbados. *See* Windward Islands Appeal Court Act.

Basutoland and British Bechuanaland Marriage :

To remove Doubts as to the Validity of certain Marriages solemnised in Basutoland and in British Bechuanaland. Ch. 38. C. Page 106.

Beer, Increase of duty in respect of. *See* Customs and Inland Revenue Act (c. 7, s. 3).

Berlin White Beer, Extension to, of provisions of 44 & 45 Vict. c. 12. s. 3. *See* Customs and Inland Revenue Act (c. 7, s. 3 (2)).

Bicycles, Tricycles, &c., Provisions respecting. *See* Local Government (Scotland) Act (c. 50, s. 58).

Bill Chamber (Scotland). *See* Clerks of Session (Scotland) Regulation Act.

Bills in Parliament, Power to County Council to oppose. *See* Local Government (Scotland) Act (c. 50, s. 56).

Board of Agriculture:

For establishing a Board of Agriculture for Great Britain. Ch. 30. E. & S. Page 87.

§ 1. Establishment of Board of Agriculture.
2. Powers and duties of Board.
3. Power as to dogs.
4. Power to transfer other powers of Government departments.
5. Staff and remuneration and expenses.
6, 7. Style and seal, and proceedings of Board.
8. Power of President to sit in Parliament.
9. Transfer of officers.
10. Ultimate abolition of Land Commissioners.
11. Construction of Acts and documents.
12. Definitions.
13. Repeal.
14. Short title.
Schedules.

Books, Importation of, if copyright, prohibited. *See* Revenue Act (c. 42, s. 1).

Boundary Commissioners for Scotland, Appointment and Powers of. *See* Local Government (Scotland) Act (c. 50, Part VII.).

Bread, Explanation of law as to sale of, by weight. *See* Weights and Measures Act (c. 21, Part III.).

British Bechuanaland. *See* Basutoland and British Bechuanaland Marriage Act.

Building Lease, Power to grant option of purchase in. *See* Settled Land Act.

C.

Caithness. *See* Parliamentary Grant (Caithness and Sutherland) Act.

Canada (Ontario Boundary):

To declare the Boundaries of the Province of Ontario in the Dominion of Canada. Ch. 28. C. Page 85.

Children, Control of Guardians over, when deserted by parent. *See* Poor Law Act (c. 56, s. 1).

——— Disposal of, by Order of Court. *See* Prevention of Cruelty to, and Protection of, Children Act (c. 44, s. 5).

——— Restriction on Employment of. *See* Prevention of Cruelty to, and Protection of, Children Act (c. 44, s. 3).

Children of Tender Years, Evidence of. *See* Prevention of Cruelty to, and Protection of, Children Act (c. 44, s. 8).

Cholera, Power to make Regulations respecting. *See* Public Health Act.

Clerks of Session (Scotland) Regulation:

To regulate the Number and Duties of the Clerks of the Court of Session and Bill Chamber in Scotland, and for other purposes. Ch. 54. S. Page 273.

Cloth Factories. *See* Cotton Cloth Factories Act.

Coal Duties (London) Abolition Bill. *See* London Coal Duties Abolition.

COAL, Provisions respecting. *See* REVENUE ACT (c. 42, s. 3); WEIGHTS AND MEASURES ACT (c. 21, Part II., Sch. 3).

COINAGE:

To amend the Coinage Act, 1870, as respects Light Gold Coins. Ch. 58. U.K. Page 303.

COINS. *See* IMITATION COINS.

COLONIES, Acts relating specially to. *See* BASUTOLAND AND BRITISH BECHUANALAND MARRIAGE; CANADA (ONTARIO BOUNDARY); WINDWARD ISLANDS APPEAL COURT.

COLOURS. *See* MERCHANT SHIPPING (COLOURS) ACT.

COMMISSIONERS FOR OATHS:

For amending and consolidating enactments relating to the administration of Oaths. Ch. 10. U.K. Page 35.

COMMISSIONERS OF SUPPLY, Transfer of certain powers of, to County Council. *See* LOCAL GOVERNMENT (SCOTLAND) ACT.

COMMONS REGULATION PROVISIONAL ORDERS CONFIRMATION. *See* Table II., Ch. xliv.

COMPANIES CLAUSES CONSOLIDATION:

To amend the Companies Clauses Consolidation Act, 1888. Ch. 37. E. & I. Page 105.

COMPTROLLER AND AUDITOR GENERAL, Transfer from, to Secretary to the Treasury of duty of signing Exchequer and Treasury Bills. *See* NATIONAL DEBT ACT (c. 6, s. 5).

CONSOLIDATED FUND:

(No. 1.) To apply certain sums out of the Consolidated Fund to the service of the years ending on the 31st March 1888, 1889, and 1890. Ch. 1. U.K. Page 1.

(No. 2.) To apply the sum of 3,729,203*l.* out of the Consolidated Fund to the service of the year ending on the 31st March 1890. Ch. 2. U.K. Page 2.

(No. 3.) To apply the sum of 26,473,944*l.* out of the Consolidated Fund to the service of the year ending on the 31st March 1890. Ch. 15. U.K. Page 47.

APPROPRIATION:

To apply a sum out of the Consolidated Fund to the service of the year ending on the 31st March 1890, and to appropriate the Supplies granted in this Session of Parliament. Ch. 70. U.K. Page 358.

CONSOLIDATED THREE PER CENT. STOCK, Redemption of. *See* NATIONAL DEBT REDEMPTION ACT.

——— Power to exchange, for Two and three-quarters per cent. Stock or Local Loans Stock. *See* NATIONAL DEBT REDEMPTION ACT (c. 4, s. 3).

CONTAGIOUS DISEASE. *See* INFECTIOUS DISEASE (NOTIFICATION); POOR LAW; PUBLIC HEALTH.

CONTAGIOUS DISEASES (ANIMALS) ACTS, Transfer of powers under, to County Council. *See* LOCAL GOVERNMENT (SCOTLAND) ACT.

CONVENER AND VICE-CONVENER OF COUNTY, Election of. *See* LOCAL GOVERNMENT (SCOTLAND) ACT (c. 50, s. 10).

Corrupt Practices. *See* Public Bodies Corrupt Practices Act.

Cotton Cloth Factories:

To make further provision for the regulation of Cotton Cloth Factories. Ch. 62. U.K. Page 323.

§ 1–3. Short title. Commencement. Construction.
4. Interpretation.
5. Temperature and humidity of the atmosphere.
6. Power to alter table of humidity.
7. Thermometers to be employed.
8. Notice of artificial production of humidity to be given.
9. Admission of fresh air.
10. Inspectors to visit the factories.
11. Notice of cessation of artificial production of humidity.
12. Provisions for preventing inhalation of dust.
13. Penalties for offences.
Schedules.

Council of India Reduction:

To amend the Law as to the Council of India. Ch. 65. Ind. Page 342.

County Councils, Constitution and Powers of. *See* Local Government (Scotland) Act.

County Council, Joint Education Committee of, in Wales. *See* Welsh Intermediate Education Act.

County Court Appeals (Ireland):

To amend the County Court (Ireland) Acts. Ch. 48. I. Page 196.

County Electors, Provisions respecting. *See* Local Government (Scotland); Registration of County Electors (Extension of Time).

Court of Session, Accountant of, and Accountant in Bankruptcy in Scotland, Union of Offices of. *See* Judicial Factors (Scotland) Act.

Court of Session and Bill Chamber (Scotland) Clerks Bill. *See* Clerks of Session (Scotland) Regulation Act.

Cromarty. *See* Ross and Cromarty.

Crown and Royal Family. *See* Prince of Wales's Children Act.

Cruelty to Children, Prevention of. *See* Prevention of Cruelty to, and Protection of, Children Act.

Customs. *See* Customs and Inland Revenue Act; Revenue Act.

Customs and Inland Revenue:

To grant certain Duties of Customs and Inland Revenue, to alter other Duties, and to amend the Laws relating to Customs and Inland Revenue. Ch. 7. U.K. Page 17.

§ 1. Short title.

Part I.—Customs and Excise.

2. Import duties on tea.
3. Increase of duty in respect of beer.
4. Alteration of duty on a vinegar maker's licence.

Customs and Inland Revenue—*continued.*

Part II.—Stamps.

Estate Duty.

§ 5. Estate duty on personal property passing by will or on intestacy
6. Estate duty on successions.
7. Duration of charge of estate duty.
8. Double duty or interest payable in case of default.
9. The duties to be stamp duties.

Amendments of Law as to Succession Duties and Duties on Accounts.

10. Amendments of the law as to succession duty.
11. Amendment of 44 & 45 Vict. c. 18. s. 38.

Limitation of Claims to Succession Duty or Legacy Duty in certain Cases.

12. Purchasers and mortgagees exempted from liability to succession duty after a specified period.
13. Power to deposit copies of documents and liability to duty to cease after specified period.
14. Liability to duty under documents admitted to probate to cease after a specified period.
15. As to notices under this part of this Act.

Miscellaneous.

16. Construction of section 11 of 51 & 52 Vict. c. 8.
17. Charge of duty on capital of companies with limited liability otherwise than under the Companies Acts.
18. Certain contracts to be chargeable as conveyances on sale.

Part III.—Income Tax.

19. Grant of duties of income tax.
20. Application of provisions of Income Tax Acts.
21. Assessment of income tax under Schedules (A.) and (B.) and of the inhabited house duties for the year 1889–90.
22. Provisions of Income Tax Acts to apply to duties to be granted for succeeding year.

D.

Debt. *See* Small Debt Amendment (Scotland) Act.

Destructive Insects Act, 1877, Transfer of powers under, to County Council. *See* Local Government (Scotland) Act.

Disease (Infectious). *See* Infectious Disease (Notification); Poor Law; Public Health.

Distances, Rules respecting Measurement of. *See* Interpretation Act (c. 63. s. 34).

Dogs, Powers as to muzzling. *See* Board of Agriculture Act (c. 30, s. 3).

Drainage and Improvement of Lands Supplemental (Ireland). *See* Table II., Ch. i.

Drainage and Land Improvement Charges (Ireland), Reduction of rate of interest on. *See* Public Works Loans Act (c. 71, s. 3).

Drunkards. *See* Habitual Drunkards.

DUNDEE, UNIVERSITY COLLEGE OF, Power to affiliate to University of St. Andrews. *See* UNIVERSITIES (SCOTLAND) ACT (c. 55, s. 16).

DURHAM. *See* PALATINE COURT OF DURHAM ACT.

E.

EDINBURGH BOTANIC GARDEN, Transfer of Crown Rights in, to Commissioners of Works and Public Buildings. *See* UNIVERSITIES (SCOTLAND) ACT (c. 55, s. 24).

EDUCATION. *See* PARLIAMENTARY GRANT (CAITHNESS AND SUTHERLAND); TECHNICAL INSTRUCTION; UNIVERSITIES (SCOTLAND); WELSH INTERMEDIATE EDUCATION.

EDUCATION DEPARTMENT PROVISIONAL ORDERS CONFIRMATION. *See* Table II., Ch. xvi. (Acton). Ch. lxiii. (Leake). Ch. clxxiii. (London).

ELECTORS (COUNTY). *See* COUNTY ELECTORS.

ELECTRIC LIGHTING ORDERS CONFIRMATION. *See* TABLE II., Ch. clxxiv. Ch. clxxviii. (No. 2). Ch. clxxix. (No. 3). Ch. clxxx. (No. 4). Ch. clxxxi. (No. 5).

ELECTRICITY, Power to Board of Trade to provide new denominations of Standards for measurement of. *See* WEIGHTS AND MEASURES ACT (c. 21, s. 6).

ESTATE DUTY OF ONE PER CENT. ON ESTATES OVER 10,000*l.* *See* CUSTOMS AND INLAND REVENUE ACT (c. 7, ss. 5–9).

EVIDENCE OF ACCUSED PERSON. *See* PREVENTION OF CRUELTY TO, AND PROTECTION OF, CHILDREN ACT.

EVIDENCE OF CHILDREN OF TENDER YEARS. *See* PREVENTION OF CRUELTY TO, AND PROTECTION OF, CHILDREN ACT.

EXCHEQUER AND AUDIT DEPARTMENTS ACTS. *See* ARMY AND NAVY AUDIT ACT.

EXCHEQUER BILLS, Amendment of Law as to signature of. *See* NATIONAL DEBT ACT (c. 6, s. 5).

EXCISE. *See* CUSTOMS AND INLAND REVENUE ACT (c. 7, Part I.); REVENUE ACT (c. 42, Part IV.).

EXPIRING LAWS CONTINUANCE:

To continue various expiring Laws. Ch. 67. U.K. Page 346.

EXPLOSIVE SUBSTANCES, Transfer of powers of Acts relating to, to County Council. *See* LOCAL GOVERNMENT (SCOTLAND) ACT.

EXPLOSIVES, Conveyance of, from Isle of Man to England, &c. to be deemed exportation and importation. *See* REVENUE ACT (c. 42, s. 4).

F.

Factories. *See* Cotton Cloth Factories Act.

Factories:

To amend and consolidate the Factors Acts. Ch. 45. E. & I. Page 186.

Preliminary.

§ 1. Definitions.

Dispositions by Mercantile Agents.

2. Powers of mercantile agent with respect to disposition of goods.
3. Effect of pledges of documents of title.
4. Pledge for antecedent debt.
5. Rights acquired by exchange of goods or documents.
6. Agreements through clerks, &c.
7. Provisions as to consignors and consignees.

Dispositions by Sellers and Buyers of Goods.

8. Disposition by seller remaining in possession.
9. „ by buyer obtaining possession
10. Effect of transfer of documents on vendor's lien or right of stoppage in transitu.

Supplemental.

11. Mode of transferring documents.
12, 13. Savings.
14. Repeal.
15–17. Commencement. Extent. Short title.
Schedule.

—— *See also* Judicial Factors (Scotland) Act.

Finance. *See* Consolidated Fund; Customs and Inland Revenue; London Coal Duties Abolition; National Debt; National Debt Redemption; Naval Defence; Parliamentary Grant (Caithness and Sutherland); Prince of Wales's Children; Public Works Loans; Revenue.

Fisheries. *See* Herring Fishery (Scotland); Steam Trawling (Ireland).

Flags. *See* Merchant Shipping (Colours) Act; Merchant Shipping (Pilotage) Act (c. 68, ss. 9, 10).

Food. *See* Sale of Horseflesh, &c. Regulation Act.

Forestry. *See* Board of Agriculture Act.

Friendly Societies:

To amend the Friendly Societies Acts. Ch. 22. U.K. Page 71.

—— Allowance of Income Tax, Schedule A., to. *See* Revenue Act (c. 42, s. 12).

G.

Gas Meters, Transfer of powers of Acts relating to, to County Council. *See* Local Government (Scotland) Act.

—— Verification of Standards used in testing. *See* Weights and Measures Act (c. 21, s. 15).

GAS ORDERS CONFIRMATION. *See* Table II., Ch. lxiv.

GAS AND WATER ORDERS CONFIRMATION. *See* Table II., Ch. cxix.

GENERAL POLICE AND IMPROVEMENT (SCOTLAND) ACT, 1862, AMENDMENT:

To amend the General Police and Improvement (Scotland) Act, 1862. Ch. 51. S. Page 268.

GRENADA. *See* WINDWARD ISLANDS APPEAL COURT ACT.

GUARDIANS OF THE POOR, Control of, over Children deserted by Parents. *See* POOR LAW ACT (c. 56, s. 1).

H.

HABITUAL DRUNKARDS, Transfer of powers of Acts relating to, to County Council. *See* LOCAL GOVERNMENT (SCOTLAND) ACT.

HEALTH, PUBLIC. *See* PUBLIC HEALTH.

HERRING FISHERY (SCOTLAND):

To amend the Herring Fishery (Scotland) Acts; and for other purposes relating thereto. Ch. 23. S. Page 72.

HORSEFLESH (SALE FOR FOOD) BILL. *See* SALE OF HORSEFLESH, &c. REGULATION ACT.

I.

IMITATION COINS, Importation of, prohibited. *See* REVENUE ACT (c. 42, s. 2).

INCLOSURE ACTS, Provisional Order under. *See* COMMONS REGULATION.

INCOME TAX. *See* CUSTOMS AND INLAND REVENUE ACT (c. 7, Part III.).

——— Reduction of discount on prepayment of. *See* REVENUE ACT (c. 42, s. 10).

INDECENT ADVERTISEMENTS:

To suppress Indecent Advertisements. Ch. 18. U.K. Page 54.

INDIA. *See* COUNCIL OF INDIA REDUCTION.

INFECTIOUS DISEASE. *See* INFECTIOUS DISEASE (NOTIFICATION); POOR LAW; PUBLIC HEALTH.

INFECTIOUS DISEASE (NOTIFICATION):

To provide for the Notification of Infectious Disease to Local Authorities. Ch. 72. U.K. Page 376.

§ 1, 2. Short title and extent.
3. Notification of infectious disease.
4. As to forms, and case of several medical practitioners.
5. Adoption of Act in urban or rural district.
6. Definition of infectious disease.
7. Power to local authority to extend definition of infectious disease.
8. Notices and certificates.
9, 10. Expenses, and repayment of expenses in London.

INFECTIOUS DISEASE (NOTIFICATION)—*continued.*

§ 11. Non-disqualification of medical officer by receipt of fees.
12. Application of Act to Woolwich.
13. „ „ to vessels, tents, &c.
14. Saving for local Act.
15. Exemption of Crown buildings.
16. Definitions.
17, 18. Application of Act to Scotland and Ireland.

INLAND REVENUE. *See* CUSTOMS AND INLAND REVENUE ACT; REVENUE ACT.

INSURANCE AGAINST ACCIDENTS, Stamp Duty on policies of. *See* REVENUE ACT (c. 42, s. 20).

INTERMEDIATE EDUCATION (WALES) BILL. *See* WELSH INTERMEDIATE EDUCATION ACT.

INTERPRETATION:

For consolidating enactments relating to the Construction of Acts of Parliament and for further shortening the Language used in Acts of Parliament. Ch. 63. U.K. Page 329.

Re-enactment of existing Rules.

§ 1. Rules as to gender and number.
2. Application of penal Acts to bodies corporate.
3–7. Definitions.
8. Sections to be substantive enactments.
9. Acts to be Public Acts.
10. Amendment or repeal of Acts in same session.
11. Effect of repeal in Acts passed since 1850.

New General Rules of Construction.

12–25. Definitions.
26. Meaning of service by post.
27–30. Definitions.
31. Construction of statutory rules, &c.
32. Construction of provisions as to exercise of powers and duties.
33. Provisions as to offences under two or more laws.
34. Measurement of distances.
35. Citation of Acts.
36. Definition of commencement.
37. Exercise of statutory powers between passing and commencement of Act.
38. Effect of repeal in future Acts.

Supplemental.

39. Definition of "Act" in this Act.
40. Saving for past Acts.
41. Repeal.
42, 43. Commencement and short title.
SCHEDULE.

INDEX TO DEFINITIONS.

Definition.	Section.	Sub-section.
Admiralty	12	(4)
Affidavit	3	
Appeal Court (*see* Court of Appeal).		
Assizes	13	(5)
Bank of England	12	(18)
Bank of Ireland	12	(19)
Board of Trade	12	(8)

INTERPRETATION—*continued.*

Definition.	Section.	Sub-section.
Board of Guardians	16	(1), (3)
Borough	15	(4)
British Islands	18	(1)
British Possession	18	(2)
British India	18	(4)
Chancellor (*see* Lord Chancellor).		
Charity Commissioners	12	(14)
Chief Secretary	12	(10)
Colony	18	(3)
Colonial Legislature	18	(7)
Commencement	36	(1)
Commissioners of Woods and Forests	12	(12)
Commissioners of Works	12	(13)
Committed for Trial	27	
Consular Officer	12	(20)
County	4, 7	
County Court	6, 29	
Court of Appeal	13	(2)
Court of Assize	13	(4)
Court of Summary Jurisdiction	13	(11)
Court of Quarter Sessions	13	(14)
Crown	30	
Declaration, Statutory	21	
Ecclesiastical Commissioners	12	(15)
Education Department	12	(6)
Felony	28	
Financial Year	22	
Governor	18	(6)
Guardians	16	(1), (3)
High Court	13	(3)
India	18	(5)
India, British	18	(4)
Irish Valuation Acts	24	
Land	3	
Lands Clauses Acts	23	
Legislature	18	(7)
Local Government register of electors	17	(3)
Lord Chancellor	12	(1)
Lord Lieutenant	12	(9)
Misdemeanour	28	
Month	3	
Municipal borough	15	(1), (2)
National Debt Commissioners	12	(17)
Oath	3	
Ordnance map	25	
Parish	5	
Parliamentary Borough	15	(3)
Parliamentary Election	17	(1)
Parliamentary register of electors	17	(2)

INTERPRETATION—*continued.*

Definition.	Section.	Sub-section.
Person	1, 19	
Petty Sessional Court	13	(12)
Petty Sessional Court-house	13	(13)
Poor Law Union	16	(2), (4)
Postmaster-General	12	(11)
Privy Council	12	(5)
Quarter Sessions (*see* Court of Quarter Sessions).		
Queen Anne's Bounty	12	(16)
Rules of Court	14	
Scotch Education Department	12	(7)
Secretary of State	12	(3)
Sheriff	28	
Sheriff Clerk	7	
Sheriffdom		
Shire		
Sovereign	30	
Statutory Declaration	21	
Summary Jurisdiction Act, 1848	13	(6)
Summary Jurisdiction Acts	13	(10)
Ditto (England)	13	(7)
Ditto (Scotland)	13	(8)
Ditto (Ireland)	13	(9)
Supreme Court	13	(1)
Swear	3	
Treasury	12	(2)
Union, Poor Law	16	(2), (4)
Valuation (Irish) Acts	24	
Woods and Forests, Commissioners of	12	(12)
Works, Commissioners of	12	(13)
Writing	20	

IRELAND, ACTS RELATING EXCLUSIVELY TO. *See*—
COUNTY COURT APPEALS.
DRAINAGE AND IMPROVEMENT OF LANDS SUPPLEMENTAL.
LAND LAW (IRELAND) ACT, 1888, AMENDMENT.
LIGHT RAILWAYS.
LOCAL GOVERNMENT BOARD (IRELAND) ORDERS CONFIRMATION.
PREFERENTIAL PAYMENTS IN BANKRUPTCY.
PURCHASE OF LAND (IRELAND) AMENDMENT.
STEAM TRAWLING.

ISLE OF MAN. *See* REVENUE ACT (c. 42, s. 4); TELEGRAPH (ISLE OF MAN) ACT.

J.

JOINT COMMITTEE (STANDING) OF COMMISSIONERS OF SUPPLY AND COUNTY COUNCIL, Appointment and powers of. *See* LOCAL GOVERNMENT (SCOTLAND) ACT.

JUDICIAL FACTORS (SCOTLAND):
To amend and extend the Law relating to Judicial Factors and others in Scotland, and to unite the Offices of the Accountant of the Court of Session and the Accountant in Bankruptcy in Scotland. Ch. 39. S. Page 106.

JUSTICE, ADMINISTRATION OF. *See* ADMINISTRATION OF JUSTICE.

L.

LAND. *See*—
ADVERTISING STATIONS (RATING).
AGRICULTURAL HOLDINGS (SCOTLAND)
BOARD OF AGRICULTURE.
LAND LAW (IRELAND) ACT, 1888, AMENDMENT.
PUBLIC WORKS LOANS (c. 71, ss. 3–7).
PURCHASE OF LAND (IRELAND) AMENDMENT.
SETTLED LAND.

LAND COMMISSION, Prospective abolition of. *See* BOARD OF AGRICULTURE ACT (c. 30, s. 10).

LAND DRAINAGE (SUPPLEMENTAL). *See* Table II., Ch. xlvii.

LAND IMPROVEMENT AND DRAINAGE CHARGES (IRELAND). Reduction of rate of interest on. *See* PUBLIC WORKS LOANS ACT (c. 71, s. 3).

LAND LAW (IRELAND) ACT, 1888, AMENDMENT:
To amend "The Land Law (Ireland) Act, 1888," with regard to Leaseholders. Ch. 59. I. Page 304.

LANDLORD AND TENANT. *See* LAND LAW (IRELAND) ACT, 1888, AMENDMENT; PREFERENTIAL PAYMENTS IN BANKRUPTCY (IRELAND); PURCHASE OF LAND (IRELAND) AMENDMENT.

LEASE, Power to grant option of purchase in. *See* SETTLED LAND ACT.

LEASES, Certain assignments of, made without particular consent to be valid. *See* LAND LAW (IRELAND), ACT, 1888, AMENDMENT ACT.

LEGACY DUTY. *See* CUSTOMS AND INLAND REVENUE ACT.

LEVEN WATER SUPPLY CONFIRMATION. *See* Table II., Ch. cviii.

LIBRARIES. *See* PUBLIC LIBRARIES ACTS AMENDMENT ACT.

LIGHT GOLD COINS. *See* COINAGE ACT.

LIGHT RAILWAYS (IRELAND):
To facilitate the construction of Light Railways in Ireland. Ch. 66. I. Page 343.
§ 1, 2. Short title and extent of Act.
3. Who may be promoters.
4. Treasury agreements with and advances to railway companies.
5. Order in Council to confirm agreement.
6. Limit of Treasury aid.
7. Modifications of 23 & 24 Vict. c. 152.
8. Preparation and audit of accounts of expenditure under the Act
9. Application of Railway and Canal Traffic Acts.
10. Application of Act to previous presentments.
11. Interpretation.

LINLITHGOW WATER SUPPLY CONFIRMATION. *See* Table II., Ch. clxxv.

LOANS. *See* PUBLIC WORKS LOANS ACT.

LOANS FUNDS, Investment of, by Local Authorities. *See* TRUST INVESTMENT ACT (c. 32, s. 7).

LOCAL AUTHORITIES, Investment of Sinking Funds by. *See* TRUST INVESTMENT ACT (c. 32, s. 7).

LOCAL GOVERNMENT (SCOTLAND):

To amend the Laws relating to Local Government in Scotland. Ch. 50. S. Page 206.

Preliminary.

§ 1, 2. Short title and extent.

PART I.—CONSTITUTION AND POWERS OF COUNTY COUNCIL.

3. Establishment of county council.
4. Composition and term of office of council.
5. Number and apportionment of councillors.
6, 7. Qualification of electors and councillors.
8. Appointment of councillors by certain burghs.
9. Disqualifications for being councillor or member of committee.
10. Regulations as to convener and vice-convener of county.

Powers of Council.

11. Transfer to county council of powers of commissioners of supply, road trustees, &c.
12. Continuance of commissioners of supply for limited purposes specified.
13. Transfer of police in burghs under 7,000.
14. „ „ administration of Contagious Diseases (Animals) Acts in burghs under 7,000.
15. „ „ powers of certain Government departments and other authorities.
16. „ „ powers of county road trustees. Repeal of local Road Acts. Effect and amendment of 41 & 42 Vict. c. 51.
17. „ „ powers of parochial boards under Public Health Acts.
18. Standing joint committee of county council and commissioners of supply for certain purposes.

PART II.—FINANCIAL RELATIONS BETWEEN EXCHEQUER AND COUNTIES AND BURGHS.

19. Application of probate duty grant in year ending 31st March 1890.
20. Payment after the 31st March 1890 to county council or town council of proceeds of duties on local taxation licences.
21. Grant of portion of probate duty after 31st March 1890.
22. Application of duties of local taxation licences and probate duty grant.
23. As to Secretary for Scotland's power respecting efficiency of police.
24. Supplementary provisions as to Local Taxation Account.

PART III.—FINANCE.

25. Transfer of county property and liabilities.
26. Property, funds, and expenses of county council.
27. Imposition and regulation of the consolidated rates.

PART IV.—REGISTRATION.

28. Registration of county electors for a county.
29. Special provisions as to service franchise occupiers.

PART V.—ELECTION.

30. Election of councillors in a county.
31. Polling districts.
32. One vote only.
33. Casual vacancies.
34. Double returns.
35. Election not to be vitiated by technical defect.
36. Provision in case of no election or insufficient election.

LOCAL GOVERNMENT (SCOTLAND)—*continued.*

PART VI.—APPLICATION OF ACT TO SPECIAL COUNTIES AND BURGHS.

§ 37. Application of Acts to county of Lanark.
38. ,, ,, to Orkney and Zetland.
39. ,, ,, to county of Ross and Cromarty.
40. ,, ,, to Dumbarton.
41. ,, ,, to counties of Aberdeen, Banff, and Elgin.
42, 43. Provisions as to county of Fife, and certain burghs.

PART VII.—APPOINTMENT OF BOUNDARY COMMISSIONERS AND SIMPLIFICATION OF AREAS.

44. Boundaries of counties.
45. Constitution of Boundary Commission.
46. Appointment of officers. Salaries and expenses.
47. Settlement of electoral divisions.
48. Temporary provisions in regard to electoral divisions, &c. at first election of county councillors.
49. Powers and duties of Boundary Commissioners.
50. Adjustment of property and liabilities.
51. Simplification of areas by provisional order.

PART VIII.—SUPPLEMENTAL.

52–54. Provisions relating to medical officer and sanitary inspector for county.
55. Power to county council to enforce provisions of 39 & 40 Vict. c. 75.
56. Council to have power to oppose Bills in Parliament, &c.

Byelaws.

57. Power of county councils to make byelaws.
58. Regulations relating to bicycles, &c.

Provisions as to Transfer.

59. Members of local authority under Contagious Diseases (Animals) Acts to cease to hold office.
60. Further arrangements with burghs, &c. under 7,000.
61. Summary proceeding for determination of questions as to transfer of powers.

Provisions as to Rating.

62. Levy of consolidated rates.
63. Power to modify regulations as to rating.
64. Inspection of assessment roll.
65. Assessment roll to be evidence.
66. Requisition for and payment of burgh contributions to county fund.
67. Borrowing by county council.
68–70. Accounts and audit.
71. Annual budget of county Council.

Incorporation of County Council and Proceedings of County Council and Committees.

72. Incorporation of county council.
73. Proceedings of county council.
74. ,, of committees.
75. Payments out of county fund and appointment of finance committee.
76. Appointment of joint committees.

Districts and District Committees.

77. Division of county into districts for roads and public health purposes.
78–80. Constitution, powers, and proceedings of district committee.
81. Provision for special drainage or water supply districts.
82. Payments to and by district committee.

Officers.

83. Clerk of the county council.
84. Duties of clerks of the peace.

LOCAL GOVERNMENT (SCOTLAND)—*continued.*

As to School Fees.

§ 85. Payment of school fees from certain endowments.
86. Compensation to certain teachers for loss of school fees.
87. Amendment as to fixing school fees.
88. Payment of school fees by parochial boards abolished.
89. Expenses of justices, &c. to be payable out of county fund.
90. Transfer of land, &c.
91. Regulations as to provisional orders.
92. Computation of time.

Power of Secretary for Scotland.

93. Local inquiry, &c.

Legal Proceedings.

94. Recovery and application of penalties.
95–102. Savings.
103–105. Definitions.

PART IX.—TRANSITORY PROVISIONS.

General Provisions as to First Elections.

106. Preliminary action of county councillors as provisional council.
107. First proceedings of provisional council.
108. Power of Secretary for Scotland to remedy defects.
109. Special provision as to certain ex-officio councillors at the first election.
110. Appointed day.
111. Postponement of registration in 1889.

Transitional Proceedings.

112. Current rates.
113. Transitory provisions as to district lunacy boards, &c.
114. " " as to police committee of county.
115. " " as to Contagious Diseases (Animals).
116. " " as to county road board and district road committees.
117. " " as to public health local authorities.
118–120. Existing officers.
121. Repeal of Acts.
SCHEDULE.

LOCAL GOVERNMENT BOARD'S PROVISIONAL ORDERS CONFIRMATION. *See* Table II., Ch. xv. Ch. xxii. (No. 4). Ch. xxiv. (No. 5). Ch. xlvi. (No. 6). Ch. lxi. (No. 8). Ch. lxii. (No. 10). Ch. cvii. (No. 7). Ch. cxii. (No. 9). Ch. cxiii. (No. 11). Ch. cxiv. (No. 12). Ch. cxv. (No. 13). Ch. cxvi (No. 15). Ch. cxvii. (No. 16). Ch. cxviii. (POOR LAW). Ch. clxxi. (No. 3). Ch. clxxii. (No. 14). Ch. clxxvii. (No. 2).

LOCAL GOVERNMENT BOARD (IRELAND) PROVISIONAL ORDERS CONFIRMATION. *See* Table II., Ch. vi. (Kilrush and Cappoquin). Ch. xlix. (Youghal). Ch. clxviii. (Tipperary Waterworks). Ch. clxix. (Killiney and Ballybrack). Ch. clxx. (Castleisland Waterworks). Ch. clxxvi. (Listowel Waterworks).

LOCAL LOANS STOCK, Exchange of Consols or Reduced Three per Cent. Stock for, no change of investment. *See* NATIONAL DEBT REDEMPTION ACT (c. 4, s. 3 (1)).

LOCAL TAXATION ACCOUNT (SCOTLAND), Application of sums paid to, and payment of certain duties to. *See* LOCAL GOVERNMENT (SCOTLAND) ACT (c. 50, ss. 19–22).

LONDON. *See* METROPOLIS.

LONDON COAL DUTIES ABOLITION:

To abolish any Duties on Coals leviable by the Corporation of London. Ch. 17. E. Page 48.

LONDON COUNCIL (MONEY):

To further amend the Acts relating to the raising of Money by the London County Council, and for other purposes. Ch. 61. E. Page 308.

§ 1–3. Short title. Construction. Interpretation.
4. Amendment of 51 & 52 Vict. c. 40. s. 6, sub-sections (*b*), (*c*), (*d*), (*f*), (*m*), (*n*), (*o*), s. 7, s. 8, sub-section (i), (ii).
5. Power to expend money for various purposes.
6. „ „ for sundry purposes during year 1890.
7. Special power to expend money for purposes of main drainage and main sewers.
8. Power to lend to vestries, district boards, corporations, commissioners, burial boards, or other public bodies.
9. „ „ boards of guardians.
10. Extension of amount of loans to managers of Metropolitan Asylum District.
11. Power to lend to School Board for London.
12. „ „ Receiver of Metropolitan Police District.
13. „ „ Vestry of Saint Pancras.
14. Protection of Council in case of certain loans.
15. Application of Consolidated Loans Fund.
16. Power to raise consolidated stock.
17. Power for Council after issue of stock to apply money raised by stock to make up dividends from fixed dates.
18–21. Metropolitan bills.
22. Power to create consolidated stock partially suspended while Metropolitan bills authorised to be raised.
23. 32 & 33 Vict. c. 102. s. 38 not to extend to money raised under this Act.
24. Repayments to be carried to Consolidated Loans Fund.
25. Limit to exercise of borrowing powers.
26. Incorporation of 48 & 49 Vict. c. 50. ss. 27 to 43.
SCHEDULES.

LONDON COUNTY COUNCIL, Inspectors of Weights and Measures of, to act throughout County. *See* WEIGHTS AND MEASURES ACT (c. 21, s. 16).

LUNACY ACTS AMENDMENT:

To amend the Acts relating to Lunatics. Ch. 41. E. (ss. 53, 78–81 S. & I.). Page 118.

§ 1. Short title, commencement, and extent.
2. Private patients to be received only under order of county court judge, magistrate, or justice.
3. Petition for order for reception.
4. Procedure upon petition for an order for reception.
5. Dismissal of petition.
6. Orders for reception.
7. Certain provisions of Lunacy Acts applied and excepted.
8. Urgency orders.
9. Right of lunatic to be examined by judge, magistrate, or justice.
10. Appointment of justices to make orders for reception of lunatics.
11. Ordinary jurisdiction of judge, &c. not to be interfered with.
12. Protection to persons signing and carrying out orders, reports, and certificates.
13. Lunatics not under proper care and control or cruelly treated or neglected.
14. Fresh order and certificates not to be required in certain cases.
15–17. Medical certificates, and persons disqualified from signing them.
18. Order for reception of lunatic so found by inquisition.
19. Persons disqualified from signing orders as to paupers.
20. When lunatic may be treated as a pauper.
21. Lunatics in workhouses.

LUNACY ACTS AMENDMENT—*continued.*

§ 22. Power to send discharged pauper not recovered to a workhouse.
23. Mis-statement to be a misdemeanor.
24. Amendment of orders and certificates.
25. Power to order payment of remuneration to medical practitioner, and of expenses.
26. Power to recover expenses against lunatic's estate.
27. Application of Lunacy Acts to reception order, &c.
28. Change of classification of patient.
29. Reports upon and visits to private patients.
30. Duration of orders for reception.
31. Powers of discharge and removal.
32. Removal for health or on trial, and transfer.
33. Chargeability of lunatic becoming pauper.
34. Single patients.
35. Person deriving profit from charge of lunatic.
36. Discharge upon recovery.
37. Power to appoint substitute for the person who signed or applied for order of reception.
38. Provision for any person to apply to have patient examined.
39. Power to take boarders in licensed houses.
40. Maintenance for pauper lunatic taken charge of by relatives.
41. Powers of transfer and discharge given to members of committee.
42. Information as to lunatics in private families and charitable establishments.
43. Notice of order of discharge.
44. Power to remove alien lunatic to his native country.
45. Mechanical means of restraint.
46. Letters of patients.
47. Notices as to letters and interviews.
48. Provision on inquisition for commitment of estate only and not of person.
49. Judge in Lunacy may supersede inquisition and rescind or vary order for commitment of person.
50. Order for custody of person of lunatic so found to determine unless continued.
51–54. Provisions as to maintenance and property of lunatic.
55. Pension of lunatic payable by public department.
56. Restrictions on new licences.
57. Amendments as to licensed houses.
58–64. Provisions as to hospitals in which lunatics are received.
65. Provisions as to private patients in asylums.
66. Power to enlarge asylums in order to provide accommodation for private patients.
67. Power to provide asylums for pauper and private patients.
68. Power to retain land unsuitable or not required for asylum purposes.
69. Rating of lunatic asylums.
70. Case of officer transferred to another asylum.
71. Contracts for reception of lunatics of borough not to be determined without consent of a Secretary of State.
72. Conveyance of land to municipal corporations.
73. Resignation and illness of medical and legal Commissioners.
74. Reports by Commissioners.
75. Salary and qualification of secretary.
76. Removal of lunatic from workhouse. Payment of expenses.
77. Ministers of any religion in asylum.
78–80. Escape from one part of United Kingdom to another.
81. Limit of time of retaking lunatic.
82. Abuse of female lunatic.
83. Male person not to be employed in personal custody of female patient.
84. Prosecution by Crown.
85. Defaults and misdemeanors.
86. Evidence upon prosecution.
87. Power to amalgamate the lunacy departments.
88. „ to make rules.
89. Forms.
90. Saving as to criminal lunatics.
91, 92. Definitions. Construction of Act.

LUNACY ACTS AMENDMENT—*continued.*
§ 93. Short titles of Acts.
94. Repeal.
SCHEDULES.

LUNATIC ASYLUMS, Transfer of powers relating to, to County Council. *See* LOCAL GOVERNMENT (SCOTLAND) ACT.

LUNATICS, Amendment of Army Act, 1881, as to. *See* ARMY (ANNUAL) ACT (c. 3, s. 5).

M.

MAN, ISLE OF. *See* ISLE OF MAN.

MARRIAGES (BASUTOLAND, &c.) BILL. *See* BASUTOLAND AND BRITISH BECHUANALAND MARRIAGE ACT.

MASTER AND SERVANT:

To repeal certain Statutes, relating to Master and Servants in particular Manufactures, which have ceased to be put in force or have become unnecessary by the enactment of subsequent Statutes. Ch. 24. U.K. Page 75.

——— *See also* PREFERENTIAL PAYMENTS IN BANKRUPTCY (IRELAND) ACT.

MEASUREMENT OF DISTANCES, Rules respecting. *See* INTERPRETATION ACT (c. 63, s. 34).

MEASURES. *See* HERRING FISHERY (SCOTLAND) ACT (c. 23, s. 4); WEIGHTS AND MEASURES.

MEDICAL OFFICER, Appointment by County Council, and Qualifications of. *See* LOCAL GOVERNMENT (SCOTLAND) ACT (c. 50, ss. 52–54).

MERCANTILE AGENTS. *See* FACTORS ACT.

MERCHANT SHIPPING:

To amend the Merchant Shipping Act, 1854, and the Acts amending the same. Ch. 46. U.K. Page 190.

MERCHANT SHIPPING (COLOURS):

To amend the Law relating to the use of Flags in the British Merchant Service. Ch. 73. U.K. Page 382.

MERCHANT SHIPPING (PILOTAGE):

To amend the Law relating to Pilotage. Ch. 68. U.K. Page. 351.

§ 1. Removal of doubts as to application of pilotage provisions of 17 & 18 Vict. c. 104. to foreign ships.
2. Provisional orders as to pilotage authorities and districts.
3. Disciplinary powers of committee, commissioners, sub-commissioners, &c.
4. Appeals from pilotage authorities.
5. Employment of unqualified pilots.
6. Returns as to pension fund.
7. Byelaws as to contributions to pilotage funds.
8. Application of fees in respect of pilotage certificates.
9. Flag to be displayed where master or mate has pilotage certificate.
10. Penalty on ordinary boat displaying colourable imitation of pilot flag.
11. Recovery of pilotage dues.
12, 13. Application to Scotland and Ireland.
14. Repeal.
15–17. Construction, commencement, and short titles.
SCHEDULE.

MERCHANT SHIPPING (TONNAGE):
To amend the Law relating to the Measurement of the Tonnage of Merchant Ships. Ch. 43. U.K. Page 176.

METHYLATED SPIRITS, Prohibition of sale of, on Sunday. *See* REVENUE ACT (c. 42, s. 26).

METROPOLIS. *See*—
EDUCATION DEPARTMENT PROVISIONAL ORDER CONFIRMATION (LONDON).
ELECTRIC LIGHTING ORDERS CONFIRMATION.
LOCAL GOVERNMENT BOARD'S PROVISIONAL ORDER CONFIRMATION (POOR LAW).
LONDON COAL DUTIES ABOLITION.
LONDON COUNCIL (MONEY).
METROPOLITAN POLICE PROVISIONAL ORDER CONFIRMATION.
NATIONAL PORTRAIT GALLERY.
POST OFFICE (SITES).

METROPOLITAN POLICE PROVISIONAL ORDER CONFIRMATION. *See* Table II., Ch. xlv.

MONMOUTH, Provision for intermediate and technical Education in County of. *See* WELSH INTERMEDIATE EDUCATION ACT.

MOTHERWELL WATER SUPPLY CONFIRMATION. *See* Table II., Ch. cix.

N.

NATIONAL DEBT:
To amend the Law relating to the National Debt. Ch. 6. U.K. Page 15.

§ 1. Alteration of amount of permanent annual charge for National Debt.
2. Power to exchange Two and Three-quarters Per Cent. Stock created under 47 & 48 Vict. c. 23.
3. Provision as to stock in court and stock belonging to savings bank depositors.
4. Amendment of law as to payment of dividends on stock.
5. „ „ as to signature of Exchequer and Treasury bills.
6. Repeal.
7. Short title.
SCHEDULE.

NATIONAL DEBT REDEMPTION:
To provide for the Redemption of the Consolidated Three Per Cent. Stock, and the Reduced Three Per Cent. Stock. Ch. 4. U.K. Page 6.

Redemption.

§ 1. Redemption of Consolidated Three Per Cent. Stock and Reduced Three Per Cent. Stock.
2. Power to pay off in advance.
3. Provisions as to exchange of stock.

Ways and Means.

4. Power to issue money out of Consolidated Fund.
5. „ „ create $2\frac{3}{4}$ °/o Stock.
6. „ „ raise money otherwise than by creation of stock.
7. „ „ borrow money for incidental expenses.

NATIONAL DEBT REDEMPTION—*continued.*

Supplemental.

§ 8. Power for Bank to close transfer books.
9. Application of scheduled provisions of 51 & 52 Vict. c. 2.
10, 11. Provisions as to stock in court, and charity funds.
12. Power to continue payment of interest in certain cases.
13. Provision as to persons not claiming redemption money.
14. Provisions as to powers of attorney.
15. Power to make rules.
16. Provisions as to Bank.
17. Remuneration of Banks of England and Ireland.
18. Definitions.
19. Short title.
SCHEDULE.

NATIONAL PORTRAIT GALLERY:
To provide a Site for a National Portrait Gallery and for other purposes connected therewith. Ch. 25. E. Page 78.

NAVAL DEFENCE:
To make further provision for Naval Defence and defray the expenses thereof. Ch. 8. U.K. Page 27.

§ 1. Building, arming, equipping, and completing for sea of vessels specified in Schedule, and amount of money to be spent for that purpose.
2, 3. Financial arrangements for contract vessels and dockyard work.
4. Restrictions on application of money issued.
5. Preparation and audit of account of expenditure under the Act.
6. Supplemental provisions.
7, 8. Definitions and short title.
SCHEDULE.

NAVAL DEFENCE ACCOUNT, Establishment of. *See* NAVAL DEFENCE ACT (c. 8, s. 2).

NAVY. *See* ARMY AND NAVY AUDIT; NAVAL DEFENCE; REVENUE ACT (c. 42, s. 30).

O.

OATHS. *See* COMMISSIONERS FOR OATHS ACT.

OFFICIAL SECRETS:
To prevent the Disclosure of Official Documents and Information. Ch. 52. U.K. Page 269.

OMNIBUS, Extension to, of provisions relating to Hackney Carriage. *See* TOWN POLICE CLAUSES ACT (c. 14, s. 4).

ONTARIO BOUNDARY. *See* CANADA (ONTARIO BOUNDARY) ACT.

P.

PALATINE COURT OF DURHAM:
To amend the practice and Proceedings of the Court of Chancery of the county palatine of Durham. Ch. 47. E. Page 191.

PARLIAMENTARY GRANT (CAITHNESS AND SUTHERLAND):
To amend the Law in regard to Annual Parliamentary Grants in the Counties of Caithness and Sutherland. Ch. 75. S. Page 384.

PASSENGERS ACTS AMENDMENT:

To amend the Passengers Act, 1855, and the Passengers Act Amendment Act, 1863. Ch. 29. U.K. Page 86.

PAYMASTER-GENERAL:

To amend the Acts relating to the Office of Paymaster-General, and to make better Provision for the Discharge of the Duties of that Office. Ch. 53. U.K. Page 272.

PIER AND HARBOUR ORDERS CONFIRMATION. *See* TABLE II., Ch. xliii. (No. 1). Ch. xlviii. (No. 2). Ch. lvi. (No. 3).

PILOTAGE. *See* MERCHANT SHIPPING (PILOTAGE) ACT.

POLICE. *See* GENERAL POLICE AND IMPROVEMENT (SCOTLAND) ACT, 1862, AMENDMENT ACT.

POLICE, Transfer of powers of Police Committee under 20 & 21 Vict., c. 72, to Standing Joint Committee for County. *See* LOCAL GOVERNMENT (SCOTLAND) ACT (c. 50, s. 18 (5)).

——— Transfer of, in Burghs under 7,000, to County Council. *See* LOCAL GOVERNMENT (SCOTLAND) ACT (c. 50, s. 13).

POOR LAW:

To amend the Law respecting Children in Workhouses, and respecting the borrowing of Money by Guardians and Managers of District Schools, and respecting the Managers of the Metropolitan Asylum District. Ch. 56. E. (ss. 1, 9, I.). Page 297.

§ 1. Control of guardians over child deserted by parent.
2. Borrowing by guardians and managers of district schools.
3. Reception of fever, small-pox, and diphtheria patients into asylums in metropolitan district.
4. Use of metropolitan asylums for medical instruction.
5. Power to purchase land adjoining asylum.
6. Use of ambulances provided by asylum managers.
7. Power to asylum managers to borrow for ambulance stations.
8. Amendment of 5 & 6 Will. 4. c. 69. s. 3.
9. Application to Ireland.
10. Short title and construction.
SCHEDULE.

POOR LAW AMENDMENT ACTS, Provisional Order under. *See* LOCAL GOVERNMENT BOARD'S PROVISIONAL ORDER CONFIRMATION (POOR LAW).

PORTRAIT GALLERY. *See* NATIONAL PORTRAIT GALLERY.

POST OFFICE. *See* TELEGRAPH (ISLE OF MAN) ACT.

POST OFFICE (SITES). *See* Table II., Ch. ccix.

PREFERENTIAL PAYMENTS IN BANKRUPTCY (IRELAND):

To amend the Law with respect to Preferential Payments in Bankruptcy in the Administration of Insolvent Estates, and in the winding up of Companies in Ireland. Ch. 60. I. Page 305.

PREVENTION OF CRUELTY TO, AND PROTECTION OF, CHILDREN:

For the Prevention of Cruelty to, and better Protection of, Children. Ch. 44. U.K. Page 178.

§ 1. Punishment for ill-treatment and neglect of children.
2. Power to increase fine where offender interested in death of child.
3. Restrictions on employment of children.
4. Taking of offender into custody, and protection of child.
5. Disposal of child by order of court.
6. Power of search.

PREVENTION OF CRUELTY TO, AND PROTECTION OF, CHILDREN—*continued.*

§ 7. Evidence of accused person.
8. Evidence of child of tender years.
9. Presumption of age of child.
10. Appeal from summary conviction to general or quarter sessions.
11. Expenses of prosecution.
12. Guardians may pay costs of proceedings.
13. Provision as to byelaws.
14. Act not to take away right of parent, &c. to administer punishment.
15. Saving for proceedings under other laws.
16. Sections 8 and 11 not to apply to Scotland.
17. Definitions.
18. Repeal.
19. Short title.

PRINCE OF WALES'S CHILDREN:

To make provision for the Support and Maintenance of the Children of His Royal Highness Albert Edward, Prince of Wales. Ch. 35. U.K. Page 103.

PRIVY COUNCIL, Transfer of certain powers and duties of. *See* BOARD OF AGRICULTURE ACT.

PROBATE DUTY GRANT, Application of. *See* LOCAL GOVERNMENT (SCOTLAND) ACT (c. 50, Part II.).

PROTECTION OF CHILDREN. *See* POOR LAW ACT (c. 56, s. 1); PREVENTION OF CRUELTY TO, AND PROTECTION OF, CHILDREN ACT.

PROVISIONAL ORDERS. *See* LIGHT RAILWAYS (IRELAND); LOCAL GOVERNMENT (SCOTLAND); MERCHANT SHIPPING (PILOTAGE).

——————— CONFIRMATION. *See*—

COMMONS REGULATION.
DRAINAGE AND IMPROVEMENT OF LANDS SUPPLEMENTAL (IRELAND).
EDUCATION DEPARTMENT.
ELECTRIC LIGHTING.
GAS.
GAS AND WATER.
LAND DRAINAGE SUPPLEMENTAL.
LEVEN WATER SUPPLY.
LINLITHGOW WATER SUPPLY.
LOCAL GOVERNMENT BOARD.
——————— (IRELAND).
METROPOLITAN COMMONS.
METROPOLITAN POLICE.
MOTHERWELL WATER SUPPLY.
PIER AND HARBOUR.
TRAMWAYS.
WATER.

PUBLIC BODIES CORRUPT PRACTICES:

For the more effectual Prevention and Punishment of Bribery and Corruption of and by Members, Officers, or Servants of Corporations, Councils, Boards, Commissions, or other Public Bodies. Ch. 69. U.K. Page 356.

PUBLIC HEALTH:

To remove doubts as to the Power of the Local Government Board to make Regulations respecting Cholera. Ch. 64. E. & I. Page 341.

——— *See also* INFECTIOUS DISEASE (NOTIFICATION) ACT.

PUBLIC HEALTH ACTS, Provisional Orders under. *See* LOCAL GOVERNMENT BOARD'S PROVISIONAL ORDERS CONFIRMATION.

PUBLIC HEALTH (IRELAND) ACT, 1878, Provisional Orders under. *See* LOCAL GOVERNMENT BOARD (IRELAND) PROVISIONAL ORDERS CONFIRMATION.

PUBLIC HEALTH (SCOTLAND) ACT, 1867, Provisional Orders under. *See* LEVEN; LINLITHGOW; MOTHERWELL.

PUBLIC HEALTH (SCOTLAND) ACTS, Transfer of Powers under, to County Council. *See* LOCAL GOVERNMENT (SCOTLAND).

PUBLIC LIBRARIES ACTS AMENDMENT:

To amend the Public Libraries Act, 1855. Ch. 9. E. Page 34.

PUBLIC WORKS LOANS:

To grant Money for the purpose of certain Local Loans, and for other purposes relating to Local Loans. Ch. 71. U.K. Page 372.

§ 1. Grants for public works and Scotch Fishery Board.
2. Certain debts not to be reckoned as assets of the local loans fund.
3. Reduction of rate of interest on drainage and land improvement charges.
4. Repeal of section 8 of 46 & 47 Vict. c. 26.
5. Effect of rentcharges created under 10 & 11 Vict. c. 32. &c.
6. Rentcharge under preceding section not to exceed improved value of land.
7. Effect of certificate by Irish Land Commission.
8. Provision for redemption of annuities payable in respect of branch railways to dockyards.
9. Short titles.
SCHEDULES.

PURCHASE OF LAND (IRELAND) AMENDMENT:

To amend the purchase of Land (Ireland) Act, 1885, and the Acts amending the same. Ch. 13. I. Page 43.

R.

RAILWAYS. *See* LIGHT RAILWAYS (IRELAND); REGULATION OF RAILWAYS.

RATES. *See* ADVERTISING STATIONS (RATING); LOCAL GOVERNMENT (SCOTLAND) ACT (c. 50, ss. 27, 62–65).

——— Provision from, for Technical Instruction. *See* TECHNICAL INSTRUCTION; WELSH INTERMEDIATE EDUCATION.

REDUCED THREE PER CENT. STOCK, Redemption of. *See* NATIONAL DEBT REDEMPTION ACT.

REGISTRATION ACTS, Temporary Amendment of. *See* LOCAL GOVERNMENT (SCOTLAND) ACT (c. 50, s. 111); REGISTRATION OF COUNTY ELECTORS (EXTENSION OF TIME) ACT.

REGISTRATION OF COUNTY ELECTORS (EXTENSION OF TIME):

To extend the Time for the Preparation of the Registers of County Electors in England and Wales. Ch. 19. E. Page 56.

REGULATION OF RAILWAYS:

To amend the Regulation of Railways Acts; and for other purposes. Ch. 57. U.K. Page 301.

§ 1. Power to order certain provisions to be made for public safety.
2. Enforcement of orders of Board of Trade.
3. Issuing debenture stock to meet expenses incurred under this Act.
4. Returns of overtime to Board of Trade.
5. Penalty for avoiding payment of fare.
6. Passenger ticket to have fare printed thereon.
7. Power to make byelaws as to stations.
8. Short title.

REMOVAL OF WRECKS ACT, 1877, AMENDMENT:

To amend the Removal of Wrecks Act, 1877. Ch. 5. U.K. Page 14.

REPEAL, Effect of, in future Acts. *See* INTERPRETATION ACT (c. 63, s. 38).

REVENUE:

To amend the Law relating to the Customs and Inland Revenue, and for other purposes connected with the Public Revenue and Expenditure. Ch. 42. U.K. Page 165.

PART I.—CUSTOMS.

§ 1. Prohibition of importation of certain books and compressed tobacco.
2. „ of importation of imitation coin.
3. Shippers of fuel to be used on board only, to be exporters within 44 & 45 Vict. c. 12.
4. Conveyance of explosives from Isle of Man to England, &c. to be deemed exportation and importation.
5. Repeal of certain words in 39 & 40 Vict. c. 36. s. 101, 47 & 48 Vict. c. 62. s. 2.
6. Dutiable matter not to be separated from other matter taken from warehouse as unfit for consumption.
7. Payment of rewards.
8. Substitution of 39 & 40 Vict. c. 36. ss. 165–167 for 16 & 17 Vict. c. 107. ss. 195–197.

PART II.—TAXES.

9. Consideration for redemption or purchase of land tax.
10. Rate of discount on pre-payment of income tax.
11. Partial repeal of 43 & 44 Vict. c. 19. s. 114.
12. Allowance of income tax, Schedule A. to friendly societies.
13. Amendment of law as to allowances to clerks to Commissioners of Taxes.
14. Proceedings against collectors and others in relation to taxes.

PART III.—STAMPS.

15. Repeal of 52 & 53 Vict. c. 7. s. 18, and substitution of other provisions therefor.
16. Extension of exemption of coupons.
17. Duty of one penny upon a lease or tack in Scotland may be denoted by adhesive stamp.
18. Amendment of 46 & 47 Vict. c. 30. s. 7, as to shares in colonial registers.
19. Amendment of s. 11 of 47 & 48 Vict. c. 62.
20. Policies of insurance against accident: composition by agreement for stamp duty thereon.

PART IV.—EXCISE.

21. Payment of allowances on certain spirits under 48 & 49 Vict. c. 51. s. 3.
22. Fractions of a penny not to be charged upon excise licences.
23. Expiration of tobacco licences taken out by retailers of intoxicating liquors.
24. Penalty for contravention of terms of excise licence.
25. Amendment of 43 & 44 Vict. c. 24.

REVENUE—*continued.*

§ 26. Prohibition of the sale of methylated spirits on Sunday.
27. Consolidation of law relating to licences for the manufacture and sale of methylated spirits.
28. Meaning of "sweets or made wines."
29. Consolidation of law as to use of unjust scales, &c.

PART V.—MISCELLANEOUS.

30. Undisposed of residue of sailors effects.
31. Remission of fees payable to public department out of public money.
32. Accruer and payment of salaries, &c. charged on Consolidated Fund.
33. Explanation of law as to annuities under 28 & 29 Vict. c. 89.
34. Amendment of 29 & 30 Vict. c. 62. s. 15.
35. Definition of "Treasury."
36. Repeal.
37. Short title.
SCHEDULE.

RIVERS POLLUTION PREVENTION ACT, 1876, Power to County Council to enforce provisions of. *See* LOCAL GOVERNMENT (SCOTLAND) ACT (c. 50, s. 55).

ROAD TRUSTEES (SCOTLAND), Transfer of powers of, to County Council. *See* LOCAL GOVERNMENT (SCOTLAND) ACT.

ROADS AND BRIDGES (SCOTLAND) ACT, 1878. Compulsory application of, where not already in force. *See* LOCAL GOVERNMENT (SCOTLAND) ACT (c. 50, s. 16).

ROSS AND CROMARTY, Counties of, united as one County. *See* LOCAL GOVERNMENT (SCOTLAND) ACT (c. 50, s. 39).

ROYAL FAMILY. *See* PRINCE OF WALES'S CHILDREN ACT.

S.

ST. LUCIA. *See* WINDWARD ISLANDS APPEAL COURT ACT.

ST. VINCENT. *See* WINDWARD ISLANDS APPEAL COURT ACT.

SALE OF HORSEFLESH, &C. REGULATION:

To regulate the Sale of Horseflesh for Human Food. Ch. 11. U.K. Page 39.

SANITARY INSPECTOR, Appointment and Qualification of, in County. *See* LOCAL GOVERNMENT (SCOTLAND) ACT (c. 50, ss. 52–54).

SCHOOL FEES, Provisions for payment of. *See* LOCAL GOVERNMENT (SCOTLAND) ACT (c. 50, ss. 85–88).

SCOTLAND, ACTS RELATING EXCLUSIVELY TO. *See*—
AGRICULTURAL HOLDINGS.
CLERKS OF SESSION (SCOTLAND) REGULATION.
GENERAL POLICE AND IMPROVEMENT (SCOTLAND) ACT, 1862, AMENDMENT.
HERRING FISHERY.
JUDICIAL FACTORS.
LEVEN WATER SUPPLY CONFIRMATION.
LINLITHGOW WATER SUPPLY CONFIRMATION.
LOCAL GOVERNMENT.
MOTHERWELL WATER SUPPLY CONFIRMATION.
PARLIAMENTARY GRANT (CAITHNESS AND SUTHERLAND).
SECRETARY FOR SCOTLAND.
SMALL DEBT AMENDMENT.
UNIVERSITIES.

SECRETARY FOR SCOTLAND:
To explain the Secretary for Scotland Act, 1887. Ch. 16. S. Page 47.

SECRETS. *See* OFFICAL SECRETS ACT.

SERVICE FRANCHISE OCCUPIERS (SCOTLAND), Special provisions as to. *See* LOCAL GOVERNMENT (SCOTLAND) ACT (c. 50, s. 29).

SETTLED LAND:
To amend the Settled Land Act, 1882. Ch. 36. E. & I. Page 105.

SHIPPING. *See* INFECTIOUS DISEASE (NOTIFICATION); MERCHANT SHIPPING; MERCHANT SHIPPING (COLOURS); MERCHANT SHIPPING (PILOTAGE); MERCHANT SHIPPING (TONNAGE); PASSENGERS ACTS AMENDMENT; PUBLIC HEALTH; REMOVAL OF WRECKS ACT, 1877, AMENDMENT.

SINKING FUNDS, Investment of, by Local Authorities. *See* TRUST INVESTMENT ACT (c. 32, s. 7).

SMALL DEBT AMENDMENT (SCOTLAND):
To extend and amend the Law relating to the recovery of Small Debts in Scotland. Ch. 26. S. Page 79.

SOLICITORS. *See* COMMISSIONERS FOR OATHS ACT.

SPIRITS. *See* REVENUE ACT.

STAMP DUTIES. *See* CUSTOMS AND INLAND REVENUE ACT (c. 7, Part II.); REVENUE ACT (c. 42, Part III.).

STANDING JOINT COMMITTEE OF COMMISSIONERS OF SUPPLY AND COUNTY COUNCIL, Appointment and powers of. *See* LOCAL GOVERNMENT (SCOTLAND) ACT.

STATUTE LAW REVISION. *See* MASTER AND SERVANT ACT.

STATUTES, Interpretation of expressions in. *See* INTERPRETATION ACT.

STEAM TRAWLING (IRELAND):
To enable the Inspectors of Irish Fisheries to prohibit Steam Trawling within a certain distance of the Coast of Ireland. Ch. 74. I. Page 383.

SUCCESSION DUTY. *See* CUSTOMS AND INLAND REVENUE ACT.

SURVEY ACT, 1870, Transfer of powers and duties under. *See* BOARD OF AGRICULTURE ACT (c. 30, s. 2 (1.) (*c*)).

SUTHERLAND. *See* PARLIAMENTARY GRANT (CAITHNESS AND SUTHERLAND) ACT.

T.

TAXES. *See* REVENUE ACT (c. 42, Part II.).

TEA DUTIES. *See* CUSTOMS AND INLAND REVENUE ACT (c. 7, s. 2).

TECHNICAL INSTRUCTION:
To facilitate the Provision of Technical Instruction. Ch. 76. E. & I. Page 384.
——— *See also* BOARD OF AGRICULTURE ACT (c. 30, s. 2 (2)); WELSH INTERMEDIATE EDUCATION ACT.

TELEGRAPH (ISLE OF MAN) :

To amend the Telegraph Acts, 1863 to 1885, and the Post Office Acts in relation to the Isle of Man. Ch. 34. E. Page 101.

TENANT. *See* LANDLORD AND TENANT.

TOBACCO (COMPRESSED), Importation of, prohibited. *See* REVENUE ACT (c. 42, s. 1).

TONNAGE, Rules for measurement of. *See* MERCHANT SHIPPING (TONNAGE) ACT.

TOWN POLICE CLAUSES :

To amend the provisions relating to Hackney Carriages of the Town Police Clauses Act, 1847. Ch. 14. E. & I. Page 44.

TRADE. *See*—

COMPANIES CLAUSES CONSOLIDATION.
COTTON CLOTH FACTORIES.
FACTORS.
LIGHT RAILWAYS (IRELAND).
LONDON COAL DUTIES ABOLITION.
SALE OF HORSEFLESH, &C. REGULATION.
WEIGHTS AND MEASURES.

TRAMWAYS ORDERS CONFIRMATION. *See* Table II., Ch. cx. (No. 1). Ch. cxi. (No. 2).

TRAWLING. *See* STEAM TRAWLING (IRELAND) ACT.

TREASURY BILLS, Amendment of Law as to signature of. *See* NATIONAL DEBT ACT (c. 6, s. 5).

TRUST INVESTMENT :

To amend the Law relating to the Investment of Trust Funds. Ch. 32. E. & I. Page 97.

TWO AND THREE-QUARTERS PER CENT. STOCK, Exchange of Consols or Reduced Three Per Cent. Stock for, no change of investment. *See* NATIONAL DEBT REDEMPTION ACT.

U.

UNIVERSITIES (SCOTLAND) :

For the better Administration and Endowment of the Universities of Scotland. Ch. 55. S. Page 277.

Preliminary.

§ 1, 2. Short title, and construction.
3. Definitions.
4. Commencement of Act.

PART I.

Constitution of University Courts and other Bodies.

5.—(1.) University Courts.
(2.) Election and term of office of assessors.
(3.) Incorporation of University Court.
(4.) Courts hereby constituted to be in place of existing Courts.
(5.) President of meetings of Courts.
(6.) Principal of St. Andrew's University.
6. Powers of University Court.

UNIVERSITIES (SCOTLAND)—*continued.*

§ 7. Powers of Senatus Academicus.
8. Meetings and quorum of General Council.
9. Constitution of Scottish Universities Committee of Privy Council.

PART II.

Commissioners.

10, 11. Appointment and constitution of Commission.
12. Officers and office and expenses.
13. Determination of powers of Commissioners.
14. Powers of Commissioners.
15. Extension of Universities.
16. Powers with respect to University of St. Andrews and University College of Dundee.
17, 18. Tests.

Procedure.

19. Universities may lodge draft ordinances.
20. Ordinances made by Commissioners to be laid before Parliament and approved by Her Majesty in Council in whole or in part.
21. Power to University Court after expiration of Commission to alter or revoke ordinances.
22–24. Transfer of property.

Finance.

25. Annual grant.
26. Power of Commissioners to apportion grant. No University to receive less than hitherto. Theological chairs not to be augmented out of grant.
27. Power to apportion grant provisionally.
28. Annual grant under this Act to be in full discharge of past and present claims based on present right of the said Universities to public moneys.
29. Annuity to the Professor of Public Law in Edinburgh.
30. Reports on statistics, finance, &c. to be made annually.

PART III.

Redemption of Charges.

31. Composition of chalder of meal.
32. Purchase by the Universities of certain casualties due to the Crown.
SCHEDULE.

V.

VINEGAR MAKERS LICENCE, Alteration of duty on. *See* CUSTOMS AND INLAND REVENUE ACT (c. 7, s. 4).

W.

WAGES, Payment of. *See* MERCHANT SHIPPING; PREFERENTIAL PAYMENTS IN BANKRUPTCY (IRELAND).

WALES. *See* WELSH INTERMEDIATE EDUCATION ACT.

WALES, Prince of. *See* PRINCE OF WALES'S CHILDREN ACT.

WALTHAM ABBEY GUNPOWDER FACTORY. *See* Table II., Ch. xxiii.

WATER ORDERS CONFIRMATION. *See* Table II., Ch. lxv. Ch. cxix.

WEIGHTS AND MEASURES:

For amending the Law relating to Weights and Measures, and for other purposes connected therewith. Ch. 21. U.K. (but S. in part). Page 58.

PART I.

Weights and Measures.

§ 1. Verification of weighing instruments.
2. Local verification of metric weights and measures.
3. Amendment of 41 & 42 Vict. c. 49. s. 25 as to unjust weights and measures.
4. Liability to imprisonment in cases of fraud.
5. Repeal of 41 & 42 Vict. c. 49. ss. 16, 46.
6. New denominations of standards.
7. Working standards.
8. Power for Board of Trade to take fees.
9. General regulations.
10. Provision as to local inquiries.
11. Qualification of inspectors of weights and measures.
12. Inspector not to be maker, seller, or adjuster of weights, measures, or weighing instruments.
13. Fees for verification and stamping by inspectors.
14. Publication of convictions.
15. Application of 41 & 42 Vict. c. 49. s. 66. to gas standards.
16. Powers to London County Council to exercise jurisdiction throughout the county.
17. Provision as to city of London.
18. „ of copies of local standards in Ireland.
19. Amendment of 41 & 42 Vict. c. 49. as to inspectors in Ireland.

PART II.

Sale of Coal.

20. Coal to be sold by weight.
21. Weight ticket or note on delivery of coal over two hundredweight.
22. Tare weight of vehicle where coal sold in bulk.
23. Frauds by drivers of coal carts.
24. Penalty on deficiency in weight of coal on small sales.
25. Weighing instrument to be kept in place where coal sold by retail.
26. Erection and maintenance of weighing instruments.
27. Power to require weighment of coal or vehicle.
28. „ to make byelaws with respect to the sale of coal.
29. „ to weigh coal in shop or vehicle.
30. „ to make local exemptions.
31. Extent.

PART III.

Bread.

32. Explanation of law as to bakers.

PART IV.

Supplemental.

33. Saving for liabilities otherwise than under Act.
34, 35. Construction of Act. Definitions.
36. Repeal.
37. Commencement.
38. Saving for corporation of Dublin.
39. Short titles.
SCHEDULES.

——— *See also* COINAGE ACT.

——— Transfer of powers of Acts relating to, to County Council. *See* LOCAL GOVERNMENT (SCOTLAND) ACT.

WELSH INTERMEDIATE EDUCATION:

To promote Intermediate Education in Wales. Ch. 40. E. Page 112.

Preliminary.

§ 1. Short title and construction.
2. Purpose of Act.

Schemes for Intermediate Education.

3. Schemes by joint education committee.
4. Restrictions on powers of joint education committee.

Constitution and Powers of Joint Education Committee.

5. Establishment of joint education committee.
6. Transaction of business by and proceedings of joint education committee.
7. Contributions from county rate.

Finance.

8. Expenses of county council.
9. Contribution from Treasury.
10. Power to Public Works Loan Commissioners to lend.

Supplemental Provisions.

11. Duration of powers of joint education committee, and suspension of powers of Charity Commissioners.
12. Description of endowments applicable to purpose of Act.
13. Construction of Act in relation to endowments applicable to purposes thereof.
14. Exemption of schemes from certain provisions of Endowed Schools Acts.
15. Report by Charity Commissioners.
16. Application of Act to counties and county boroughs.
17. General definitions.

WILD BIRDS, Transfer of powers of Acts relating to, to County Council. *See* LOCAL GOVERNMENT (SCOTLAND) ACT.

WINCHESTER BURGESSES DISQUALIFICATION REMOVAL. *See* Table II., Ch. cxx.

WINDWARD ISLANDS APPEAL COURT:

To provide for modifying the Constitution of the Court of Appeal for the Windward Islands. Ch. 33. C. Page 101.

WOMEN, Disqualification of, for County Councillors. *See* LOCAL GOVERNMENT (SCOTLAND) ACT (c. 50, s. 9).

WOOLWICH, Application to, of enactments relating to Medical Officers of Health in County of London. *See* INFECTIOUS DISEASE (NOTIFICATION) ACT (c. 72, s. 12).

WORKS AND PUBLIC BUILDINGS, Transfer of powers and duties vested in Commissioners of, under Survey Act, 1870. *See* BOARD OF AGRICULTURE ACT (c. 30, s. 2 (1.) (*c*)).

——— Transfer of certain property by, and to, Commissioners of. *See* UNIVERSITIES (SCOTLAND) ACT (c. 55, ss. 22–24).

WRECKS, Removal of. *See* REMOVAL OF WRECKS.

TABLE

Showing the Effect of the Year's Legislation.

ACTS OF FORMER SESSIONS (IN CHRONOLOGICAL ORDER) REPEALED OR AMENDED BY ACTS OF 52 & 53 VICT.*

Statute and Chapter.	Subject-matter or Short Title.	How affected.	Chapter of 52 & 53 Vict.
16 & 17 Chas. 2. c. 9.	Duchy of Lancaster	Repealed	10, s. 12.
9 Will. 3. c. 15	Arbitration	Repealed	49, s. 26.
1 Ann, St. 2, c. 22	Woollen, &c. manufactures	Repealed	24.
2 Geo. 1. c. 17 (Irish)	Master and servant	Ss. 2, 9, 16 repealed	
9 Geo. 1. c. 27	Frauds by journeymen shoemakers.	Repealed	
12 Geo. 1. c. 34	Woollen manufactures		
13 Geo. 1. c. 26	Linen and hemp manufactures, Scotland.	Repealed, except s. 18	
13 Geo. 2. c. 8	Frauds of workmen	Repealed	
15 Geo. 2. c. 27	Thefts of cloth, &c.		
17 Geo. 2. c. 7	Affidavits in county of Lancaster.	Repealed	10, s. 12.
25 Geo. 2. c. 8 (Irish)	Master and servant	Ss. 2, 7 repealed	24.
27 Geo. 2. c. 7	Frauds in manufacture of clocks, &c.	Repealed	
29 Geo. 2. c. 12 (Irish)	Unlawful combinations	Ss. 9–12 repealed	
30 Geo. 2. c. 12	Woollen manufactures	Repealed	
4 Geo. 3. c. 21	Affidavits in county of Durham	Repealed	10, s. 12.
5 Geo. 3. c. 51	Cloth manufacture, Yorkshire	Repealed	24.
6 Geo. 3. c. 23	" " "		
10 Geo. 3. c. 44	False weights and scales	Repealed	42, s. 36.
14 Geo. 3. :			
c. 25	Frauds, &c. in woollen manufacture.	Repealed	24.
c. 44	Reeling false or short yarn		
17 Geo. 3. c. 55	Manufacture of hats		
23 Geo. 3. c. 15	Frauds, &c. in the dyeing trade.	Ss. 5–12, 13 in part rep.	
24 Geo. 3. Sess. 2. c. 3.	Woollen, &c. manufactures, Suffolk.	Repealed	
25 Geo. 3. c. 40	Woollen, &c. manufactures, Bedfordshire, &c.		
26 Geo. 3. c. 77	Excise	Repealed, except s. 12	42, s. 36.
28 Geo. 3. c. 37	Excise	Repealed	

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* Acts continued annually by the Expiring Laws Continuance Act are not noticed in this Table.

Statute and Chapter.	Subject-matter or Short Title.	How affected.	Chapter of 52 & 53 Vict.
28 Geo. 3. c. 55 -	Protection of stocking frames, &c.	Repealed - -	24.
31 Geo. 3. c. 56 -	Woollen, &c. manufactures, Norfolk.		
51 Geo. 3. c. 41 -	Stealing of linen, &c. - -		
4 Geo. 4. c. 83 -	Protection of merchants contracting with factors.	Repealed as to E. & I. -	45, s. 14.
6 Geo. 4.:			
c. 81	Excise licences - - -	S. 2 amended - -	7, s. 4.
c. 87	Salaries, &c. of British consuls -	S. 20 repealed - -	10, s. 12.
c. 94	Protection of merchants contracting with factors.	Repealed as to E. & I. -	45, s. 14.
7 & 8 Geo. 4. c. 28	Administration of justice -	S. 14 repealed - -	63, s. 41.
9 Geo. 4. c. 54 -	„ „ (Ireland)	S. 35 repealed - -	
11 Geo. 4. and 1 Will. 4. c. 69.	Trial by jury, Court of Session -	S. 40 repealed in part -	54, s. 9.
3 & 4 Will. 4. c. 42	Amendment of the law, &c. -	S. 42 repealed - -	10, s. 12.
		Ss. 39–41 repealed -	49, s. 26.
4 & 5 Will. 4.:			
c. 29	Loans by trustees on landed securities, Ireland	Repealed - -	32, s. 8.
c. 42	Affidavits in Stannaries Court -	Repealed - -	10, s. 12.
c. 77	Licences for retail of sweets, &c.	Repealed - -	42, s. 36.
5 & 6 Will. 4. c. 69	Conveyance of land for workhouses, &c.	S. 3 amended - -	56, s. 8.
6 & 7 Will. 4.:			
c. 37	Sale of bread - -	S. 7 explained - -	21, s. 32.
c. 71	Commutation of tithes - -	S. 2 repealed - -	30, s. 13.
7 Will. 4. and 1 Vict. c. 39.	Interpretation of certain terms -	Repealed - -	63, s. 41.
1 & 2 Vict. c. 118	Clerks in Court of Session -	S. 21 repealed in part -	54, s. 6.
2 & 3 Vict. c. 58	Stannaries Court - - -	S. 6 from "and that any" repealed.	10, s. 12.
4 & 5 Vict. c. 35	Enfranchisement of copyholds -	Ss. 1, 2, 4, 5, 7–9 rep. -	30, s. 13.
5 & 6 Vict.:			
c. 35	Income tax - - -	S. 141 amended - -	42, s. 10.
c. 39	Advances to agents - -	Repealed as to E. & I. -	45, s. 14.
c. 103	Court of Chancery - -	Ss. 7, 8 repealed - -	10, s. 12.
6 & 7 Vict. c. 82	Commissioners to take affidavits	Ss. 1–4 repealed - -	10, s. 12.
8 & 9 Vict.:			
c. 100	Lunatics - - -	Ss. 76, 77, 88 repealed; ss. 86, 90 amended.	41, ss. 32, 85 (3) 94.
c. 118	Inclosure of commons - -	Ss. 2, 6, 8 repealed -	30, s. 13.
10 & 11 Vict. c. 89	Town police clauses - -	Ss. 37, 40–52, 54, 58, 60–67 amended.	14, s. 4.
11 & 12 Vict. c. 10	Court of Chancery - -	Repealed - - -	10, s. 12.
12 & 13 Vict. c. 51	Protection of property of pupils, absent persons, &c. (Scotland).	S. 9 repealed; s. 39 virtually repealed.	39, ss. 1, 16.
13 & 14 Vict.:			
c. 15	Courts of appeal for West Indian Colonies.	Repealed - - -	33.
c. 21	Abbreviation of language in Acts of Parliament.	Repealed - - -	63, s. 41.
14 & 15 Vict. c. 53	Inclosure Commissioners - -	Repealed, except s. 9 -	30, s. 13.
15 & 16 Vict.:			
c. 76	Common Law Procedure -	S. 23 repealed - -	10, s. 12.
c. 86	Court of Chancery - -	Ss. 22–24 repealed -	
16 & 17 Vict.:			
c. 51	Succession duty - - -	Ss. 18, 38, 45 amended -	7, s. 10.
c. 70	Lunacy regulation - -	S. 57 repealed - -	10, s. 12.
		S. 153 repealed - -	41, s. 94.
c. 78	Administering oaths in Chancery	Repealed - - -	10, s. 12.
c. 89	Universities (Scotland) - -	Ss. 2, 4, 5 repealed -	55, s. 17.
c. 96	Lunacy - - - -	Ss. 20, 22 am.; ss. 5, 6, 11, 12, 32, Schedules (A.) (B.) rep.	41, ss. 32, 94.

Statute and Chapter.	Subject-matter or Short Title.	How affected.	Chapter of 52 & 53 Vict.
16 & 17 Vict.:			
c. 97	Lunatic asylums	Ss. 35, 69, 76, 87, and in part ss. 43, 67, 68, Sch. (F.) rep.; s. 98 amended.	41, ss. 33, 94.
17 & 18 Vict.:			
c. 78	Admiralty Court	Ss. 6 from "and any examiner," 7–11 rep.	10, s. 12.
c. 104	Merchant Shipping	Ss. 21, 22 rep. in part (but see terms).	43, s. 1.
		Amended	46.
		Part V. applied to foreign ships; ss. 333, 337, 348, extended; ss. 343, 363, repealed in part.	68, ss. 1, 6, 7, 10, 11, 14.
		S. 105 amended	73, s. 3.
c. 125	Common Law Procedure	Ss. 3–17 repealed	49, s. 26.
18 & 19 Vict.:			
c. 38	Use of spirit of wine duty free	Repealed	42, s. 36.
c. 42	Administration of oaths	Repealed	10, s. 12.
c. 70	Public libraries	S. 13 repealed	9, s. 1.
c. 119	Passengers	S. 52 amended	29.
c. 134	Court of Chancery	S. 15 repealed	10, s. 12.
19 & 20 Vict. c. 79	Bankruptcy (Scotland)	Ss. 156, 166 repealed	39, ss. 1, 18.
20 & 21 Vict.:			
c. 60	Bankruptcy and insolvency (Ireland).	S. 293 amended	60, s. 5.
c. 72	Police (Scotland)	S. 74 extended	50, s. 13.
c. 77	Court of Probate	S. 27 to "Provided that" and from "and any person" repealed.	10, s. 12.
21 & 22 Vict.:			
c. 83	Universities (Scotland)	Ss. 8–11 repealed	55, s. 5 (4).
c. 95	Court of Probate	Ss. 30–34 repealed	10, s. 12.
c. 108	Divorce and matrimonial causes	Ss. 20–23 repealed	
22 Vict.: c. 16	Commissioners for Oaths	Repealed except s. 5	
22 & 23 Vict.:			
c. 24	Universities (Scotland)	S. 1 from "but every" repealed.	55, s. 17.
c. 35	Amendment of law of property	S. 32 repealed	32, s. 8.
23 & 24 Vict.:			
c. 38	Amendment of law of property	S. 11 repealed	
c. 113	Duties of Excise	S. 21 "sweets or made wines" to "wines" repealed.	42, s. 36.
c. 152	Tramways (Ireland)	Amended	66.
24 & 25 Vict.:			
c. 90	Edinburgh University	S. 3 repealed in part	55, s. 5 (3).
c. 91	Inland Revenue	Ss. 1, 2, 5 repealed	42, s. 36.
25 & 26 Vict.:			
c. 73	Copyhold, &c. Commission	Repealed	30, s. 13.
c. 101	General Police and Improvement (Scotland).	Amended	51.
c. 111	Lunacy	S. 38 am.; ss. 18, 20, 24, 27, 40 rep.	41, ss. 32, 94.
26 & 27 Vict.:			
c. 33	Inland Revenue	S. 25 repealed	42, s. 36.
c. 51	Passengers Act Amendment	S. 15 amended	29.
27 & 28 Vict. c. 56	Inland Revenue	Ss. 12, 13 repealed	42, s. 36.
28 & 29 Vict.:			
c. 89	Greenwich Hospital	S. 19 explained	42, s. 33.
c. 104	Crown suits, &c.	Ss. 18, 19, 43, 44 repealed	10, s. 12.
29 & 30 Vict.:			
c. 25	Exchequer Bills and Bonds	S. 3 "and every such" to "own name," and "but no such" to "Gazette" repealed.	6, s. 6.

Statute and Chapter.	Subject-matter or Short Title.	How affected.	Chapter of 52 & 53 Vict.
29 & 30 Vict:			
c. 39	Exchequer and Audit Departments.	S. 17 repealed	53, s. 2.
c. 62	Crown lands	S. 15 amended	42, s. 34.
c. 90	Public Health	S. 52 extended	64.
c. 113	Poor Law Amendment	S. 18 to "appointed and" repealed.	63, s. 41.
30 & 31 Vict.:			
c. 6	Metropolitan Poor	S. 6 (2) amended	56, s. 3.
c. 90	Inland Revenue	S. 18 repealed	42, s. 36.
c. 132	Investment of trust funds	Repealed	32, s. 8.
31 & 32 Vict.:			
c. 40	Partition	S. 2 amended	47, s. 10.
c. 82	County General Assessment (Scotland).	Ss. 4 from "subject to the provisions," 5–9 rep.	50, s. 12 (1).
c. 122	Poor Law Amendment	S. 37 repealed	44, s. 18,
32 & 33 Vict.:			
c. 38	Bails	Repealed	10, s. 12.
c. 102	Metropolitan Board of Works (Loans).	S. 28 repealed	61, s. 15.
33 & 34 Vict.:			
c. 10	Coinage	Amended	58,
c. 71	National Debt	Ss. 20, 21 repealed	6, s. 6.
c. 97	Stamp Duties	S. 117 explained; Sch. "Bill of Exchange" am.	42, ss. 16, 20.
34 & 35 Vict. c. 47	Metropolitan Board of Works (Loans).	S. 13 repealed	32, s. 8.
35 & 36 Vict.:			
c. 58	Bankruptcy (Ireland)	S. 112 amended	60, s. 5.
c. 62	Education (Scotland)	S. 53 amended; s. 69 from "and if unable" rep.	50, ss. 87, 88.
36 & 37 Vict. c. 66	Supreme Court of Judicature	Ss. 56 in part, 57–59 rep.	49, s. 26.
38 & 39 Vict.:			
c. 43	Sinking Fund	S. 1 amended	6, s. 1.
c. 55	Public Health	S. 171 amended	14, s. 2.
		S. 130 extended	64.
c. 60	Friendly Societies	Amended	22.
39 & 40 Vict. c. 36	Customs Consolidation	S. 3 from "Provided" rep.	41, s. 94.
		S. 101 rep. in part; s. 215 amended.	42, ss. 5, 7.
40 & 41 Vict.:			
c. 2	Treasury and Exchequer Bills	S. 8 subs. (3), repealed	6, s. 6.
c. 16	Removal of Wrecks	Ss. 4, 5 amended	5.
c. 25	Solicitors	S. 18 repealed	10, s. 12.
c. 39	Factors Acts Amendment	Repealed as to E. & I.	45, s. 14.
c. 68	Destructive insects	S. 6 repealed	30, s. 13.
41 & 42 Vict.:			
c. 49	Weights and Measures	Ss. 26, 32, 53 ext.; ss. 25, 26, 81 amended; ss. 16, 43 in part, 46, 47, 86 in part, Schs. V. and in part VI., repealed.	21, ss. 1, 3, 5, 19 36.
c. 51	Roads and Bridges (Scotland)	Ss. 12, 13, 15 (virt.), 16, 17, 91, 92, and in part ss. 18, 24, 58, repealed.	50, ss. 16, 37.
c. 52	Public Health (Ireland)	S. 148 extended	64.
c. 74	Contagious Diseases (Animals)	Ss. 8 subs. (2), 58 subs. (6) repealed	30, s. 13.
		S. 69 repealed	50, s. 59.
c. 76	Telegraphs	Extended to Isle of Man	34, s. 2.
c. 78	Education (Scotland)	S. 22 repealed	50, s. 88.
42 & 43 Vict. c. 49	Summary Jurisdiction	Ss. 20 subss. (3) (6), 50 rep.	63, s. 41.
43 & 44 Vict.:			
c. 4	Judicial Factors (Scotland)	Amended	39.
c. 16	Merchant Seamen (Payment of Wages and Rating).	S. 2 repealed	46, s. 2.

Statute and Chapter.	Subject-matter or Short Title.	How affected.	Chapter of 52 & 53 Vict.
43 & 44 Vict. :			
c. 19	Taxes Management	S. 114 (10), rep. in part	42, s. 11.
c. 20	Inland Revenue	S. 11 amended	7, s. 3.
c. 24	Spirits	Ss. 32 (2), 95 (8), am.	42, s. 25.
44 & 45 Vict. :			
c. 12	Customs and Inland Revenue	Ss. 3, 38 am. and extended	7, ss. 3, 11.
		S. 11 explained	42, s. 3.
c. 58	Army	Ss. 91, 135, 146 amended; s. 174 A. added.	3, ss. 4–7.
45 & 46 Vict. c. 38	Settled Land	S. 48 subss. (1)–(5) rep. as to E.	30, s. 13.
		Amended	36.
46 & 47 Vict. :			
c. 26	Sea Fisheries (Ireland)	S. 8 repealed	71, s. 4.
c. 28	Companies	Repealed as to Ireland	60, s. 8.
c. 30	Companies (Colonial Registers)	S. 7 amended	42, s. 18.
c. 62	Agricultural Holdings (Scotland)	Ss. 9, 10 rep.; s. 15 am.	20, ss. 2, 3, 6.
47 & 48 Vict. :			
c. 43	Summary Jurisdiction	S. 7 repealed	63, s. 41.
c. 61	Supreme Court of Judicature	Ss. 9–11 repealed	49, s. 26.
c. 62	Revenue	Ss. 2 in part, 11 proviso, repealed.	42, ss. 5, 19.
48 & 49 Vict. :			
c. 3	Representation of the People	S. 3 amended	50, s. 8 (4).
c. 52	Lunacy Acts Amendment	S. 3 (2) amended	41, s. 21 (11).
c. 73	Purchase of Land (Ireland)	Amended	13.
50 & 51 Vict. :			
c. 16	National Debt and Local Loans	S. 2 amended	6, s. 1.
c. 35	Criminal Procedure (Scotland)	S. 73 amended	54, s. 10.
c. 52	Secretary for Scotland	Explained	16.
c. 67	Superannuation	S. 7 subs. (1), repealed	41, s. 94.
51 & 52 Vict. :			
c. 8	Customs and Inland Revenue	S. 11 explained	7, s. 16.
c. 13	Land Law (Ireland)	S. 1 amended	59.
c. 40	Metropolitan Board of Works (Money).	Ss. 6, 7, 8 amended	61, s. 4.
c. 43	County Courts	S. 187 to "is meant and" repealed.	63, s. 41.
c. 48	Companies Clauses Consolidation	S. 2 "a member of" rep.	37.
c. 60	Probate Duties (Scotland and Ireland).	Repealed as to Scotland	50, s. 19.
c. 66	Friendly Societies	Repealed	22.
52 & 53 Vict. :			
c. 4	National Debt Redemption	S. 12 amended	6, s. 3.
c. 7	Customs and Inland Revenue	S. 18 repealed	42, s. 15.
		S. 5 (5) amended	50, s. 21.

A LIST

OF

THE LOCAL AND PRIVATE ACTS,

(52 & 53 Vict., 1889,)

ARRANGED IN CLASSES.

Class 1.—Bridges and Ferries.
„ 2.—Canals, Rivers, Navigations, Tunnels, and Subways.
„ 3.—Charitable Foundations and Institutions.
„ 4.—Drainages and Drainage Embankments.
„ 5.—Ecclesiastical Affairs, including Tithes.
„ 6.—Estates.
„ 7.—Fisheries.
„ 8.—Gaslight Companies and Undertakings.
„ 8a.—Electric Light Companies, &c.
„ 9.—Harbours, Docks, Ports, Piers, Quays, &c.
„ 10.—Improvements in Towns, Municipal and County and Local Government Matters, Markets, &c.
„ 11.—Parks, Commons, and Open Spaces.
„ 12.—Parish Affairs.
„ 13.—Personal Affairs.
„ 14.—Railways.
„ 15.—Trading and other Companies.
„ 16.—Tramways and Tramroads.
„ 17.—Turnpike and other Roads.
„ 18.—Water Companies and Undertakings.
„ 19.—Provisional Orders Confirmation.

Note.—In this Table, words, printed in *italics*, following the Title, are added to explain the principal purposes of the Act, where none are added, and the Title itself conveys no explanation, the Act may be considered as one giving General Powers.

Class 1.—Bridges and Ferries.

Corporation of London (Tower Bridge) (*Extension of Time, &c.*). Ch. cxlix.
Norwich Corporation (*Carrow Bridge*). Ch. clxxxvii.
River Cam Bridges. Ch. lxvi.
Swansea Corporation (*Extinction of Tolls in respect of North Dock Lock and Pottery Bridges*). Ch. cxcix.

Class 2.—Canals, Rivers, Navigations, Tunnels, and Subways.

Aire and Calder Navigation. Ch. xxxii.
Dee Conservancy. Ch. clvi.
Glasgow Harbour Tunnel (*Incorporation of Company*). Ch. clxvi.
Liverpool and Birkenhead Subway (*Additional Capital*). Ch. xciii.
Ribble Navigation (*Commission to report on Scheme. Additional borrowing power*). Ch. lxxxiii.
Sheffield and South Yorkshire Navigation (*Incorporation of Company. Acquisition of existing Navigations*). Ch. cxc.
Tees Conservancy (*Powers as to reclaimed Lands and Minerals. Diversion of Tees Side Railway, &c.*). Ch. ci.
Water of Leith Purification and Sewerage (*Incorporation of Commissioners*). Ch. cvi.

Class 3.—Charitable Foundations and Institutions.

Nil.

Class 4.—Drainages and Drainage Embankments.

River Suck Drainage (*Extension of Time. Further borrowing powers Alteration of constitution of Board*). Ch. ccv.

[*For Acts confirming Provisional Orders under the Drainage and Improvement of Lands* (*Ireland*) *Act*, 1863, *and the Land Drainage Act*, 1861, *see* Class 19 (1), (7).]

Class 5.—Ecclesiastical Affairs, including Tithes.

Stoke-upon-Trent Rectory. Ch. cciii.

Class 6.—Estates.

Ashburner. Ch. *5* (*Private*).
Basset. Ch. *1* (*Private*).
Henry Crawshay's. Ch. *2* (*Private*).
St. Maur Heirlooms (Pictures). Ch. *4* (*Private*).
Stobcross. Ch. *3* (*Private*).

Class 7.—Fisheries.

Nil.

Class 8.—Gaslight Companies.

Barry and Cadoxton Gas and Water (*Additional Capital*). Ch. clxxxix.
Belgrano (Buenos Ayres) Gas Company Limited (*Power to supply Electricity*). Ch. ccviii.
Burnley Corporation (*Extension of limits. Additional borrowing powers*). Ch. lv.
Faversham (*Dissolution and re-incorporation*). Ch. xiii.
Great Wigston (*Dissolution and re-incorporation*). Ch. xxviii.

Class 8.—Gaslight Companies—*continued.*

Morley. Ch. xxvi.
Tuscan (*Power to supply Electricity*). Ch. xxxi.
West Ham (*Capital powers, &c.*). Ch. clx.
Windermere Gas and Water. Ch. l.
Woodhall Spa (Gas and Water) (*Incorporation of Company*). Ch. cxxviii.

[*For Acts confirming Provisional Orders under the Gas and Water Works Facilities Act*, 1870, *see* Class 19 (4).]

Class 8A.—Electric Light Companies, &c.

Metropolitan. Ch. cxcvi.

[*For Acts confirming Provisional Orders under the Electric Lighting Acts*, 1882 *and* 1888, *see* Class 19 (2).]

Class 9.—Harbours, Docks, Ports, Piers, Quays, &c.

Alloa Harbour (*Additional Works and borrowing power. Creation of debenture stock*). Ch. lxxix.
Barry Dock and Railways (*Additional Capital. Pilotage. Agreements as to new roads*). Ch. lxxxvi.
Ballina and Killala Railway and Harbour (Abandonment). Ch. v.
Brean Down Harbour and Railway (*Incorporation of Company*). Ch. cciv.
Dundee Harbour and Tay Ferries (*Transfer to Harbour Undertaking of part of Tay Ferries debt. Additional borrowing power. Creation of debenture stock*). Ch. lxxxvii.
Filey Pier and Tramroad (*Incorporation of Company*). Ch. ccx.
Great Western Railway and Llanelly Railway and Dock Companies Amalgamation. Ch. xxxiii.
Hull, Barnsley, and West Riding Junction Railway and Dock (*Debenture Stock*). Ch. cliv.
Hull Docks (*Deep-water entrance to Albert Docks. Additional Capital, &c.*). Ch. xcix.
King's Lynn Docks and Railway (Further Powers). Ch. lxxx.
Mersey Docks and Harbour Board. Ch. cxl.
Mumbles Railway and Pier (*Incorporation of Company*). Ch. cxciv.
Neath Harbour (*Extension of Time. Facilities for raising capital*). Ch. lxvii.
Newport (Monmouthshire) Corporation (*Reconstitution of Harbour Commissioners*). Ch. clii.
South Eastern Railway (*Construction of Dock on River Medway*). Ch. clix.
South Hampshire Railway and Pier (*Extension of Time. Additional Capital*). Ch. cxcviii.
Sutton Harbour. Ch. cxcii.
Swansea Corporation (*Extinction of certain town and quay dues, &c.*). Ch. cxcix.
Thurso River Harbour (*Incorporation of Trustees*). Ch. xxv.
Wisbech Corporation (*Construction of quay*). Ch. cxxxvii.
Workington Dock and Harbour (Extension of Time). Ch. viii.

[*For Acts confirming Provisional Orders under the General Pier and Harbour Act*, 1861, *see* Class 19 (5).]

Class 10.—Improvements in Towns, Municipal and County and Local Government Matters, Markets, &c.

Belfast Corporation (*Consolidation of Debts. Creation of Stock*). Ch. xlii.
Belfast Water. Ch. clv.
Bridlington Local Board (*Princes Parade*). Ch. cxxiii.
Burnley Corporation (*Extension of borough. Gas and Water. Amendment of Padiham Water and Local Board Acts*). Ch. lv.
Bury Corporation Waterworks. Ch. clxxxii.
Cheltenham Improvement. Ch. clxxxiv.
City of London Police Superannuation. Ch. cxxvii.
Cork Corn Market (*Vesting Market in Cork Corporation, &c.*). Ch. xxxvii.
Coventry Water. Ch. xli.
Deanhead Commissioners (*Water*). Ch. xxi.
Dublin Corporation Loans. Ch. cxxix.
Edinburgh and District Waterworks (*Additional borrowing power, Extension of time for constant pressure*). Ch. xi.
Filey Pier and Tramroad (*Fish Market*). Ch. ccx.
Grimsby Extension and Improvement. Ch. xxxiv.
Heywood Corporation. Ch. lvii.
Hythe Corporation (*Water*). Ch. ii.
Liverpool Corporation (*Amendment of Loans Act. Markets. Public Libraries. Waste of Water. Police. Buildings, &c.*). Ch. lxxv.
Manchester Corporation (*Waterworks*). Ch. xl.
Margate Coal Dues (*Reduction*). Ch. cxxxii.
Metropolitan Improvements. Ch. cxlvii.
Newport (Monmouthshire) Corporation. Ch. clii.
Newry Improvement (*Sewerage. Water. Town Hall. Borrowing*). Ch. clvii.
Norwich Corporation. Ch. clxxxvii.
Padiham Local Board (*Waterworks*). Ch. lii.
Ribble Navigation (*Commission to report on Scheme. Additional borrowing power*). Ch. lxxxiii.
River Cam Bridges (*Construction by Corporation of Cambridge and Chesterton Local Board, &c.*). Ch. lxvi.
Saint Helens Corporation (*Increase of Council. Alteration of existing, and creation of new, wards*). Ch. lix.
Scarborough Improvement. Ch. clxiv.
Sheffield Corporation (*Money. Surplus Lands*). Ch. iii.
Stockton-on-Tees Extension and Improvement. Ch. xcii.
Sutton Harbour (*Fish Market. Sewerage Works, &c.*). Ch. cxcii.
Swansea Corporation. Ch. cxcix.
Taunton Corporation (*Consolidation of Loans. Creation of Debenture Stock*). Ch. cxxxvi.
Wakefield Corporation (*Waterworks. New Class of Stock*). Ch. lxviii.
Waterford Corporation (Debenture Stock). Ch. xcv.
Water of Leith Purification and Sewerage (*Incorporation of Commissioners*). Ch. cvi.
West Bromwich Corporation (Consolidation of Loans). Ch. xcvi.
Wigan Corporation. Ch. cc.
Winchester Burgesses Disqualification Removal. Ch. cxx.

Class 10.—Improvements in Towns, Municipal and County and Local Government Matters, Markets, &c.—*continued.*

Wisbech Corporation (*Quay or River Wall. Railway at Wisbech. Repair of River Banks. Creation of Debenture Stock*). Ch. cxxxvii.
Wood Green Local Board (*Waste Land Funds, &c.*). Ch. ix.

[*For Acts confirming Provisional Orders under Acts relating to subjects embraced in this Class, see* Class 19.]

Class 11.—Parks, Commons, and Open Spaces.

Bournemouth Park. Ch. clxi.
Bridlington Local Board (*Princes Parade*). Ch. cxxiii.
Cheltenham Improvement (*Parks, &c.—Parts IV. & V.*). Ch. clxxxiv.
Great Torrington Commons. Ch. clxvii.
Metropolitan Improvements (*Powers as to Open Spaces*). Ch. cxlvii.
Wood Green Local Board (*Powers as to Commons and Open Spaces*). Ch. ix.

[*For Act confirming Provisional Order in pursuance of Report of the Land Commissioners for England, see* Class 19 (6).]

Class 12.—Parish Affairs.

Nil.

[*For Acts confirming Provisional Orders under Elementary Education Act and Poor Law Acts, see* Class 19 (3), (8*a*).]

Class 13.—Personal Affairs.

Naturalization.

Schlesinger, Caesar. (*Not printed.*)

Class 14.—Railways.

Aire and Calder Navigation (*Abandonment of certain Railways. Construction of Railways at Goole*). Ch. xxxii.
Ballina and Killala Railway and Harbour (Abandonment). Ch. v.
Barry Dock and Railways (*Additional Capital. Pilotage. Agreements as to new roads*). Ch. lxxxvi.
Belfast and Northern Counties and Ballymena and Larne Railway Companies Amalgamation. Ch. xcvii.
Blackpool (*Revival of Powers and Extension of Time. Contributions by other Railway Companies*). Ch. clxii.
Brighton, Rottingdean, and Newhaven Direct (*Extension of Time*). Ch. xxix.
Brean Down Harbour and Railway (*Incorporation of Company*). Ch. cciv.
Burry Port and North Western Junction (Abandonment). Ch. cliii.
Beverley and East Riding (*Incorporation of Company*). Ch. ccxiii.

Class 14.—Railways—*continued.*

Caledonian. Ch. xii.
Cambrian (Steamboats). Ch. lxxi.
Cathcart District (*Power to Caledonian Railway Company to subscribe, &c.*). Ch. iv.
Central Argentine Railway Company (*Amendment of Memorandum of Association. Agreement with Buenos Ayres Northern Railway Company*). Ch. li.
Cheshire Lines (*New work. Additional Capital*). Ch. lxxxiv.
Cork and Macroom Direct (*Additional Debenture Stock. Subscription to, and Agreements for working, Macroom and Ballyvourney Light Railway*). Ch. lxix.
Cowbridge and Aberthaw (*Incorporation of Company*). Ch. cxli.
Didcot, Newbury, and Southampton (*Abandonment of certain Railways. Special provisions as to Capital*). Ch. cii.
Dublin, Wicklow, and Wexford (City of Dublin Junction Railways) (*Extension of Time. Power to lease Arches*). Ch. lxxxii.
Dundee Suburban (*Extension of Time*). Ch. civ.
East and West Yorkshire Union (*Abandonment of part of line. Reduction of Capital*). Ch. cxxi.
Eastbourne, Seaford, and Newhaven. Ch. cv.
Freshwater, Yarmouth, and Newport. Ch. clxxxv.
Glasgow and South-western. Ch. lxxxix.
Golden Valley Extension (*Separate undertaking. Additional Capital, &c.*). Ch. cxcv.
Great Northern. Ch. xciv.
Great Western. Ch. cxxxix.
Great Western and Cornwall Railway Companies Amalgamation. Ch. xxxviii.
Great Western Railway and Llanelly Railway and Dock Companies Amalgamation. Ch. xxxiii.
Hull, Barnsley, and West Riding Junction Railway and Dock (*Debenture Stock*). Ch. cliv.
King's Lynn Docks and Railway (Further Powers). Ch. lxxx.
Lancashire and Yorkshire. Ch. lxxiv.
London and North-western. Ch. xcviii.
London, Chatham, and Dover (Further Powers) (*Abandonment of Maidstone and Faversham Railway*). Ch. xxvii.
Manchester, Sheffield, and Lincolnshire. Ch. ciii.
Manchester, Sheffield, and Lincolnshire (Steamboats). Ch. lxxxv.
Mersey (*Abandonment of certain railways. Extension of Time for other railways, &c.*). Ch. cxlvi.
Mersey Docks and Harbour Board (*Abandonment of certain Overhead Railways. Construction of substituted Railway, &c.*). Ch. cxl.
Metropolitan (*Aylesbury and Rickmansworth Railway. Surplus Lands*). Ch. liii.
Metropolitan District. Ch. xx.
Midland. Ch. xxxix.
Midland and South-western Junction. Ch. clxiii.
Mumbles Railway and Pier (*Incorporation of Company*). Ch. cxciv.
Newport, Godshill, and St. Lawrence (*Abandonment of authorised and construction of new railway. Change of name, &c.*). Ch. cli.
North British. Ch. xc.
North-Eastern. Ch. lx.
Oswestry and Llangynog (Abandonment). Ch. lxxxi.
Painswick (*Incorporation of Company*). Ch. cxcvii.
Plymouth, Devonport, and South-western Junction. Ch. cxxv.
Rhymney (Capital). Ch. cxlv.

Class 14.—Railways—*continued.*

St. Helens and Wigan Junction (*Revival of powers and Extension of Time. Change of name, &c.*). Ch. xci.

Selby and Mid-Yorkshire Union (Wistow to Drax) Abandonment. Ch. lxxiii.

Sheffield and South Yorkshire Navigation (*Diversion of Railway at Keadby*). Ch. cxc.

Shortlands and Nunhead (*Incorporation of Company*). Ch. cxxvi.

South Eastern. Ch. clix.

South Hampshire Railway and Pier (*Extension of Time. Additional Capital, &c.*). Ch. cxcviii.

Southport and Cheshire Lines Extension (*Regulation of Capital. Confirmation of Agreements*). Ch. lxx.

Stratford-upon-Avon, Towcester, and Midland Junction (*Extension of Time. Abandonment of certain Branch Railways*). Ch. lxxvi.

Taff Vale (Amalgamations and Capital). Ch. cxciii.

Tees Conservancy (*Diversion of Tees Side Railway*). Ch. ci.

Towcester and Buckingham (*Incorporation of Company*). Ch. cci.

Vale of Glamorgan (*Incorporation of Company*). Ch. clxxxviii.

Welsh Railways Through Traffic (*Authorising Agreements. Appointment of Joint Committee*). Ch. cxxxv.

West Highland (*Incorporation of Company*). Ch. cxxxiv.

West Somerset (*Capital*). Ch. xxx.

Wirral Railway Transfer. Ch. cxxxiii.

Wisbech Corporation (*Power to Great Eastern Railway Company to construct a Railway at Wisbech*). Ch. cxxxvii.

Class 15.—Trading and other Companies.

Belgrano (Buenos Ayres) Gas Company, Limited (*Amendment of Memorandum of Association. Power to supply Electricity*). Ch. ccviii.

Central Argentine Railway Company, Limited (*Amendment of Memorandum of Association. Agreement with Buenos Ayres Northern Railway Company*). Ch. li.

Imperial Fire Insurance (*Amendment of Deed of Settlement and Acts. Provision as to vesting of Securities, &c. in Trustees, &c.*). Ch. cxliv.

Liverpool and London and Globe Insurance Company's (*Amendment of Acts. Objects of Company. Capital*). Ch. cl.

London Hydraulic Power (*Additional Capital*). Ch. vii.

New Oriental Bank Corporation, Limited (*Amendment of Memorandum of Association. Silver Capital*). Ch. cxxii.

Northern Assurance (*Powers of Investment*). Ch. xxxv.

North British and Mercantile Insurance Company's (Scottish Provincial Transfer). Ch. cxlii.

Provident Life Office (*Repeal of Acts. Change of Name, &c.*). Ch. cxliii.

Rock Life Assurance (*Further power to Company to purchase its own shares*). Ch. lxxviii.

Scottish Equitable Life Assurance (*Investment of Funds*). Ch. c.

Sun Life Assurance (*Repeal and re-enactment of Acts. Increase of Capital*). Ch. xvii.

Tuscan Gas (*Amendment of Memorandum of Association. Power to supply Electricity*). Ch. xxxi.

Weston-super-Mare Marine Lake (*Incorporation of Company*). Ch. xviii.

Class 16.—Tramways and Tramroads.

Chesham, Boxmoor, and Hemel Hempsted Tramroads (*Alteration of gauge. Change of name. Additional Capital*). Ch. clxv.

Croydon Tramways (*Incorporation of Company. Purchase of existing Tramways, &c.*). Ch. ccvi.

Filey Pier and Tramroad (*Incorporation of Company*). Ch. ccx.

Folkestone, Sandgate, and Hythe Tramways. Ch. lxxxviii.

Lea Bridge, Leyton, and Walthamstow Tramways (*Dissolution and Re-incorporation*). Ch. clviii.

London Tramways Company (Limited) Extensions. Ch. cxxiv.

Manchester, Middleton, and District Tramways (*Extension of Time*). Ch. clxxxiii.

Plymouth Tramways (*Dissolution and Re-incorporation*). Ch. ccvii.

Rossendale Valley Tramways (Burnley Extension). Ch. ccxiv.

South Staffordshire Tramways (*Dissolution and Re-incorporation*). Ch. cxci.

Southwark and Deptford Tramways. Ch. cxlviii.

Stockton-on-Tees Extension and Improvement. (*Purchase of portion of Stockton-on-Tees and District Tramways*). Ch. xcii.

Terrington and Walpole Tramroads (*Incorporation of Company*). Ch. ccxi.

Wellingborough and District Tramroads (*Incorporation of Company*). Ch. ccxii.

West Metropolitan Tramways (*Additional Tramways. Reduction of nominal Capital. Additional Capital*). Ch. ccii.

[*For Acts confirming Provisional Orders under Tramways Act,* 1870, *see* Class 19 (12).]

Class 17.—Turnpike and other Roads.

Nil.

Class 18.—Water Companies and Undertakings.

Barry and Cadoxton Gas and Water (*New Works. Additional Capital*). Ch. clxxxix.

Belfast. Ch. clv.

Bristol. Ch. x.

Burnley Corporation (*Extension of Water Limits. Amendment of Padiham Acts*). Ch. lv.

Cleveland (*Alteration of charges for domestic supply*). Ch. liv.

Coventry. Ch. xli.

Deanhead Commissioners. Ch. xxi.

Devonport. Ch. lxxii.

Eastbourne. Ch. lxxvii.

Edinburgh and District (*Additional borrowing powers. Extension of Time for constant pressure*). Ch. xi.

East Kent (*Incorporation of Company*). Ch. cxxxviii.

Garw (*Incorporation of Company. Purchase of Water Undertaking of Garw Water and Light Company*). Ch. clxxxvi.

Hythe Corporation. Ch. ii.

Kettering (*Dissolution and Re-incorporation*). Ch. xix.

Manchester Corporation. Ch. xl.

Newcastle and Gateshead. Ch. xxxvi.

Newry Improvement (*Power to license Plumbers and regulate Water Fittings, &c.*). Ch. clvii.

Class 18.—Water Companies and Undertakings—*continued.*

Padiham Local Board. Ch. lii.
Rastrick (*Dissolution and re-incorporation*). Ch. cxxx.
Scarborough Improvement (*Alteration of Water Limits, &c.*). Ch. clxiv.
South Kent (*Incorporation of Company*). Ch. cxxxi.
Stapleford and Sandiacre (*Incorporation of Company*). Ch. lviii.
Wakefield Corporation. Ch. lxviii.
Windermere Gas and Water. Ch. l.
Woodhall Spa (Gas and Water) (*Incorporation of Company*). Ch. cxxviii.
Yeadon. Ch. xiv.

[*For Acts confirming Provisional Orders relating to Water Undertakings, see* Class 19 (4), (10), (11).]

Class 19.—Provisional Orders Confirmation.

(1.) *Under Drainage and Improvement of Lands (Ireland) Act,* 1863:

Order of the Public Works Commissioners. Ch. i. (Tramore River District).

(2.) *Under Electric Lighting Acts,* 1882 *and* 1888:

Orders of the Board of Trade. Ch. clxxiv. Ch. clxxviii. (No. 2), Ch. clxxix. (No. 3), Ch. clxxx. (No. 4), Ch. clxxxi. (No. 5).

(3.) *Under Elementary Education Act,* 1870:

Orders of the Education Department. Ch. xvi. (Acton, Chiswick, and Liverpool), Ch. lxiii. (Leake), Ch. clxxiii. (London).

(4.) *Under Gas and Water Works Facilities Act,* 1870:

Orders of the Board of Trade. Ch. lxiv. (*Gas*), Ch. lxv. (*Water*), Ch. cxix. (*Gas and Water*).

(5.) *Under General Pier and Harbour Act,* 1861:

Orders of the Board of Trade. Ch. xliii. (No. 1), Ch. xlviii. (No. 2), Ch. lvi. (No. 3).

(6.) *Under Inclosure Acts,* 1845–1878:

Order of the Land Commissioners for England. Ch. xliv. (Amberswood).

(7.) *Under Land Drainage Act,* 1861:

Order of the Land Commissioners for England. Ch. xlvii. (Goole).

(8.) *Under Local Government Acts:*

(*a*) *Poor Law Acts:*

Order of the Local Government Board. Ch. cxviii. (Saint James, Westminster).

(*b*) *Public Health Act,* 1875, *and Local Government Act,* 1888:

Orders of the Local Government Board. Ch. xv., Ch. xxii. (No. 4), Ch. xxiv. (No. 5), Ch. xlvi. (No. 6), Ch. lxi. (No. 8), Ch. lxii. (No. 10), Ch. cvii. (No. 7), Ch. cxii. (No. 9), Ch. cxiii. (No. 11), Ch. cxiv. (No. 12), Ch. cxv. (No. 13), Ch. cxvi. (No. 15), Ch. cxvii. (No. 16), Ch. clxxi. (No. 3), Ch. clxxii. (No. 14), Ch. clxxvii. (No. 2).

Class 19.—Provisional Orders Confirmation—*continued.*

(9.) *Under Metropolitan Police Act,* 1886:

Order of Secretary of State. Ch. xlv.

(10.) *Under Public Health (Ireland) Act,* 1878:

Orders of the Local Government Board for Ireland. Ch. vi. (Kilrush and Cappoquin), Ch. xlix. (Youghal), Ch. clxviii. (Tipperary Waterworks), Ch. clxix. (Killiney and Ballybrack), Ch. clxx. (Castleisland Waterworks), Ch. clxxvi. (Listowel Waterworks).

(11.) *Under Public Health (Scotland) Act,* 1867:

Orders of the Secretary for Scotland. Ch. cviii. (Leven), Ch. cix. (Motherwell), Ch. clxxv. (Linlithgow).

(12.) *Under Tramways Act,* 1870:

Orders of the Board of Trade. Ch. cx. (No. 1), Ch. cxi. (No. 2).

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